

**Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, September 17, 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, John Michaels, Donald King, David Ray, Matt Slaughter, Jeff Anthony, Tony DePace, and Counsel Michael Muller

Absent: John Famosi and Zoning Administrator Pamela Kenyon

The meeting was called to order at 6:31pm.

Jason Saris asked if there were any corrections or changes to the August 20, 2013 minutes.

RESOLUTION:

Motion by Don King to approve the August 20, 2013 minutes as written. **Seconded by** David Ray. Jeff Anthony abstained. **All others in Favor. Motion Carried.**

V13-32 CALZADA, MICHELLE. Represented by Glens Falls Modular Homes. To demolish and rebuild single family dwelling, seeks area variance for a deficient front yard setback. 75' is required, 34' is proposed. Section 186.00, Block 1, Lot 22, Zone RL3. Property Location: 816 Trout Lake Road. Subject to WCPS review.

Sam Wahnnon presented the project stating the following:

- They would be demolishing the existing building.
- They would replace the existing single family dwelling with a modular home.
- The modular would be 4 ft. less in width than the existing building, making the setback encroachment less.
- If they move the building back out of the front setback, they would need to replace existing septic, power and water.
- They would like to put the new home in basically the same footprint.
- The new building is longer in length and closer to the existing driveway.
- They would like to reroute the existing driveway to go to the garage.

Jason Saris asked if the new building would be taller than the existing building. Sam Wahnnon replied no, it is a ranch style home.

Don King asked about stormwater. Mr. Wahnnon stated the home would make a slight encroachment on the driveway. Mr. Wahnnon also said that the home was an energy star ranch to be put on a full cellar using the existing septic, well and power.

Jason Saris asked if there would be a change in the number of bedrooms. Mr. Wahnnon said no.

There was no WC impact.

RESOLUTION

The Zoning Board of Appeals received an application from Michelle Calzada (V13-32) 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#2 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; essentially, it is an in kind replacement.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties, the addition is in the back and not seen by the neighbors. They would be replacing the existing single family home.
- 3) The request is not substantial; No setbacks less than existing
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; Replacing existing home in need of repair.
- 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. It is, but they will be replacing an old home in need of work with a new home.

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

V13-33 BEEBE, ROBERT. Represented by Dean Howland Jr. To demolish and rebuild single family dwelling, seeks area variance for a deficient front yard setback. 50' is required, 35.2' is proposed. Section 186.18, Block 1, Lot 29, Zone RM1.3. Property Location: 65 Rainbow Beach Road. Subject to WCPS review.

Dean Howland represented this project stating the following:

They would like to remove existing single family dwelling and replace with a new one.

New home will be the same square footage as existing structure.

They would like to move it slightly to the north for erosion control.

The structure will be 7 ft. taller than the existing building.

This structure has the same amount of bedrooms as the existing home.

They meet all but the front setbacks.

Jason Saris asked why they were not able to move the structure back to meet the setback. Dean Howland replied that it would encroach on the rear setback and they were trying to maintain the same look for the neighbors.

Town Counsel Michael Muller read a letter of support from Rainbow Beach Association.

There was no correspondence or WC impact.

RESOLUTION

The Zoning Board of Appeals received an application from Robert Beebe (V13-33) 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 building is old and dilapidated.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties, This will be an improvement to the neighborhood. It will be a desirable change.
- 3) The request is not substantial; It is the same number of bedrooms.
- 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 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. There is no alternative cabins have been here for a very long time.

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. **All in Favor. Motion Carried.**

V13-29 VITALE, JOSEPH. Represented by Douglas Lafferty Architect. To alter non-conforming single-family dwelling, specifically to modify appearance within previously approved building footprint, addition of a 19' x 10' deck and 5' x 6' stair, seek area variance for **1) Deficient setbacks. Rear:** 30' is required, 1' is proposed; **Shoreline:** 75' is required, 45' is proposed; and **Side:** 30' is required, 5' is proposed, and **2) To alter pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 185.20, Block 1, Lot 22, Zone RCL3. Property Location:** 64 Millstone Drive. Subject to WCPB and APA review. *See VII-53 for previous approvals.*

Douglas Lafferty presented the project stating the following:
The new design is within the footprint already approved by the ZBA.
They are looking for a deck and stairs on the lake side in addition to what was approved.
The building will still be a single story building.
There will be no increase in bedrooms.
Light wells will be added to the building for the bedroom and living/dining area.
The septic is a common septic.

Don King asked if the footprint changed. Mr. Lafferty replied no, the only addition was the deck and stairs.

Jason Saris asked if applicant had not thought about the deck for the original plan. Mr. Lafferty replied he did not know what the architect thought in the original plan, but the Vitale's were not pleased with that plan and hired him to draw up a new plan. He stated that Mr. Vitale was a disabled vet and it would be nice if he could just use the deck and not have to take the stairs to the lawn. Jason Saris stated that he was surprised that the original plan did not include the deck as it was a very common request. Mr. Lafferty stated it had a wide stair going to lawn instead, and at their age they did not feel it was such a good idea.

Town Counsel Michael Muller read an e-mail in opposition from Gary Haight.

Mark Roden spoke in favor of the project stating that most homeowners in this neighborhood had already made renovations to their homes. He stated that he had spoke with the Hamiltons, who had no objections and that they were the only property owner to be impacted by this project.

Don King asked about chimney work being done. Mark Roden explained that it was just re-facing it and that they were not replacing it.

Don King stated he would reject this application based on the fact that it was the return of a project for additional variances after the initial variances was already granted. He stated they had some recent precedents about not supporting this type of application, in particular decks that encroach on lake side setbacks.

There was no WC impact.

RESOLUTION

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

V13-30 PIEPER, EDWARD. To alter non-conforming single-family dwelling, specifically to replace existing screened porch with larger screened porch plus a deck, seeks area variance for 1) a deficient frontline setback. Front: 50' is required, 32.6' is proposed; and 2) To alter pre-existing non-conforming structure in accordance with Section 200-57B(1)(b).

Section,186.18, Block 1, Lot 29, Zone RM1.3 & LC45. Property Location: 36 The Back Road. Subject to WCPS review.

Edward Pieper presented his project as follows:

- He stated the project was located at 41 Rainbow Beach Association.
- The original screened in porch was approximately 5' x 8' and it is too small to be functional.
- They were requesting 10' x 16' screened porch and a deck on the side for grilling and eating
- This is in keeping with the neighborhood.
- This plan had been approved a number of years ago, but they never acted on it.
- He would be subcontracting this out.
- It was approved by the Rainbow Beach Association.

Tony DePace asked if the deck to the right was new. Ed Pieper replied yes it was 10' off the house and 16' across. Mr. Pieper stated that he thought that the 36 ft. setback was to the steps which were 3 steps right now. Don King asked if they were coming closer to the existing steps. Ed Pieper replied it might be and that the main expansion was to the side.

Jason Saris asked if the existing porch was original to the cottage. Ed Pieper replied yes it was over 50 years old with the original Adirondack siding.

Town Counsel Michael Muller read a letter of support from Rainbow Beach Association.

There was no WC impact.

RESOLUTION

The Zoning Board of Appeals received an application from Edward Pieper (V13-30) 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;
- 2) There will be no undesirable change in the neighborhood character or to nearby properties, It will be an improvement to the property.
- 3) The request is not substantial; No alternative.

- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; The Association signed off on this project.
- 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. This building has been there for over 50 years.

Now, upon motion duly made by John Michaels and seconded by Tony DePace, it is resolved that the ZBA does hereby approve the variance request as presented. **All in Favor. Motion Carried.**

V13-31 J. BUCKLEY BRYAN JR. To alter non-conforming single-family dwelling and detached garage, specifically to remodel existing sundeck into sunroom with storage below, square off footprint on southeast corner and add 9'x 5'8" deck, seeks area variance for 1) a deficient front yard setback. 50' is required, 47' is proposed; and 2) To alter pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 156.16, Block 1, lot 8, Zone RCM1.3. Property Location: 59 Bell Point Road. Subject to WCPS review.

J. Buckley Bryan Jr. presented the application stating the following:

- It is a very simple project and they are looking for few variances.
- He would like to enclose existing deck and move the gas grill outside enclosed area.
- He wants to square off the end of existing deck.
- The project is within 3' limit of the right of way.
- He does not see any adverse environmental impact.
- It is a minimal change to the footprint.
- The project is well screened with trees and no views are blocked
- The existing building height is not exceeded.

Jason Saris stated that it seemed to be a modest request.

There was no WC impact.

RESOLUTION

The Zoning Board of Appeals received an application from J. Buckley Bryan Jr. (V13-31) 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; The applicant is just making some modest adjustments to an original footprint.

- 2) There will be no undesirable change in the neighborhood character or to nearby properties, It is well screened from the neighbors.
- 3) The request is not substantial; The applicant is making modest adjustments that are no closer to existing setbacks. Just expanding vertical footprint and modifying stairway.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; Not changing stormwater, ground terrain or visibility.
- 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. This is a pre-existing house and deck and it is not a substantial request. It does not encroach on the shoreline setbacks.

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

The meeting was adjourned at 7:12.

Minutes respectfully submitted by Kate Persons.