

**Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, September 16, 2014
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, Donald King, John Famosi, Jeff Anthony, Matthew Slaughter, Holly Dansbury, Michael Calautti, 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 August 19, 2014 minutes.

RESOLUTION:

Motion by John Famosi to approve the August 19, 2014 minutes as presented. **Seconded by** Michael Calautti. Jeff Anthony recused himself. **All others in Favor. Motion Carried.**

1. **V14-22 HIPPELE, RAYMOND.** To alter single family dwelling, specifically to add an addition, 1) seeks area variance for a deficient shoreline setback. 75' is required, 44' is proposed; 2) To alter a non-conforming structure in accordance with Section 200-57B(1)(b); 3) In accordance with Section 125-10A(3) of the stormwater regulations, 100' is required between infiltration devices for roadways, parking lots and other areas subject to vehicle traffic. 34' is proposed between the well and infiltration basin. 74' is proposed between the well and rain garden. 32' is proposed between Trout Lake and the rain garden. 69' is proposed between Trout Lake and infiltration basin. Section 185.19, Block 1, Lot 57.2, Zone RCL3. Property Location: 50 Acorn Drive. Subject to WCPS and APA review. This item was tabled at the July 2014 meeting pending additional information.

Raymond Hippele presented the following:

- They are here with the requested engineered stormwater management plan.
- They also have a signoff letter from the Town Engineer.
- They have shown the septic system information on the site plan.

Jason Saris asked if this project had been reviewed and approved by the Town Engineer. The Zoning Administrator replied yes.

Jeff Anthony asked if a portion of driveway was to be removed that previously serviced the house. Mr. Hippele replied yes and that they may be able to do even more after construction is started. Jeff Anthony stated this would be his only concern and he hoped that gravel surface would be removed.

Mr. Hippele replied that they had reduced the existing driveway as per the Town Engineer's request. Jeff Anthony asked about the section of gravel driveway in front of the shed in the rear. Mr. Hippele stated that it was not part of the driveway; it was just a gravel area in front of the shed.

Don King stated he thought that all the Town Engineer was remarking on was the ability to find a little more absorption and less redirection of the surface water. Mr. Hippele stated that the ditch along the existing gravel drive infiltrates into a pipe underneath the drive and drains into a wooded area.

Chris Navitsky, Lake George Waterkeeper asked how the conveyance to the rain gardens would be accomplished. Jeff Anthony explained that they had plans in front of them that showed this and Mr. Navitsky was more than welcome to look at them.

RESOLUTION

The Zoning Board of Appeals received an application from Raymond Hippele (V14-22) 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#1 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 a well thought out plan with the applicant considering all the recommendations to minimize the impervious surface area.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. This is an attractive project with a design that minimizes the visibility relative to the surroundings.
- 3) The request is not substantial; It did not change the footprint very much and is not any closer to the lake.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. This is an improvement with the addition of the rain gardens and drainage.
- 5) The alleged difficulty is self-created; This is not objectionable and the overall structure was adjacent to the setback lines and it would not be advisable to do anywhere else. 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 Don King and seconded by Matthew Slaughter, it is resolved that the ZBA does hereby approve the variance request as presented. **All in Favor. Motion Carried.**

2. **V14-26 F.R. SMITH & SONS.** Represented by Atty. Frederick Killeen and Tom Jarrett, P.E. For the construction of *a total of three additional commercial boat storage buildings on a 4.92 acre parcel*, presently improved by an existing commercial boat storage building. *The proposed project will be completed in two phases.* In order for this parcel to be code compliant, *and have a total of four “principal buildings”, the site would require a total area of 20 acres (one “principal building” per each five acres).* Compliant density on *this 4.92 acre parcel* may be achieved by a combination of density area variances and/or *a transfer of density right(s) from a qualified parcel(s).* Applicant’s proposal is to develop the site by constructing *a total of three new “principal (storage) buildings”* on the site (which presently has one existing “principal building”). *The Applicant seeks one density variance for the construction of an additional 5,134 sq. ft. “principal (storage) building” in Phase I of the project. Applicant seeks a second density area variance for Phase II of the project that it proposes to combine with an additional principal building right to be obtained by the Applicant’s subsequent acquisition of a principal building right transferred from a qualified parcel, to allow the construction of two additional “principal (storage) buildings” on the 4.92 acre parcel. Phase II of the project is contingent upon the Applicant’s subsequent acquisition by transfer of an additional density right from a qualified parcel. If both Phase I and Phase II of the project are completed, a total of four “principal (storage) buildings” [three(3) new and one(1) existing] could be located on the 4.92 acre parcel .* An area variance is also required for a deficient side yard setback for building A1. 60’ is required, 43’ is proposed. Section 171.00, Block 1, Lot 10, zone RR5 & LC25. Property Location: 18 Edgecomb Pond Road. Subject to PB, LGPC, WCPS, DEC and APA. See V13-01 for previous approvals. See SPR14-15 associated with this project.

Atty. Frederick Killeen and Chris Gabriels presented the following;

- FR. Smith is the oldest continually operating marina on Lake George.
- It has been in existence since 1921 and has the oldest Johnson outdoor motor franchise in the world.
- It is imperative that they expand their storage facilities.
- They are one of the larger employers in the Town of Bolton.
- They are a significant economic player and contributor to the Town of Bolton.
- This is essentially the same project that the Board approved in February of this year.
- It is different in two respects.
- First, the overall improvements on the project which were previously approved by the Board and then rejected by the A.P.A. is now being broken into 2 phases.
- Atty. Killeen detailed the new plans.
- Phase I is on the top, with the existing building and the new proposed building with a combined square footage of 11,134 sq. ft.
- It was originally approved in the 1990’s for a 12,000 sq. ft. building by the Town and the A.P.A. and they only built a 6,000 sq. ft. building.
- Phase II of the project is seeking a variance for a second principal building if the applicant acquires a transfer of density that will allow for this.

- A principal building under the ordinance is 11,000 sq. ft.
- These buildings are separated to allow larger boats to get in and out in an efficient and effective way.
- They are also seeking a setback variance due to land owned by National Grid that serves the power lines.
- All of these buildings relate to use for storage and a wash station which were discussed at length with the Board.
- These were all approved with 6 conditions at a previous meeting.
- They are perfectly happy with complying with all of the conditions
- He detailed the 3 variances they are seeking.
- In the prior meetings there has been discussion between area variances and use variances, and this is a permitted use in this zone.

Jason Saris asked if the density request was for Phase I. Atty. Killeen stated that they did not want to, not present the whole project to the Board to stay away from segmentation. He stated Phase II will only be constructed if they receive the conveyance of density and this is why they would need that variance with the two separate buildings. Atty. Killeen detailed the different phases again. Jason Saris asked if they were not able to acquire the transfer of density would they be able to build stage 1 and stage 1.5. Atty. Killeen stated that based on conversations he had with the Zoning Administrator and the A.P.A., he understands it as Phase I being built as detailed on the plans and Phase II would only be built if they came back with a transfer of density.

Matthew Slaughter asked if they did not get the transfer of density how would it effect the terms of the use of the property. Atty. Killeen stated that if Phase II was not built, the screening that is to be put into place which requires that boats are not to be seen would work, but the goal here is to create indoor storage as opposed to outdoor storage. The number of boats stored on the property is a matter of where and how you store them.

Jeff Anthony asked if they were asking for a variance for all 4 buildings. Atty. Killeen replied 1 of the buildings is in.

Don King asked the Chairman about all the questions in the July letter from LGPC and he believes the Planning Board should review them before move forward. Jeff Anthony stated that he agreed with Don King and would like to see the answers to the questions from the LGPC on paper before making a decision. He said that these were very serious questions and that he wanted answers to. He stated that the Board needed to make sure there were no negative impacts. He explained that he believes the Planning Board should have the first chance to make these decisions on this project before this Board makes any decision on this project. He said he could not in good conscience vote for this project without this information. Jason Saris stated that the ZBA does not have any authority over the decisions of the Planning Board. Jeff Anthony stated he has never seen such a pointed letter from the LGPC.

Atty. Killeen stated that they were in front of the Planning Board in July and it was determined that they could not act without the variance from the ZBA. He stated that the LGPC questions will be resolved, and obviously the Planning Board and LGPC will be satisfied with the

resolutions. He stated that any approvals or variances will obviously be conditioned upon the LGPC, A.P.A and Planning Board giving them a permit. The reality of this is that, this project has been going on for 20+ months and if they go back to the Planning Board they will be told they can't consider it without variance approvals. Jeff Anthony stated that they are looking for an advisory opinion from the Planning Board and he would like to see the answers on the 30 questions from the LGPC. He stated the reality is that they do not have time to build the structure now so storage is not going to happen this winter. He stated that one of the most important questions is the one about the quick launch. Atty. Killeen stated that this is NOT a quick launch facility. The existing marina facility on Sagamore Rd. has granted capacity for 20 quick launch boats and they have requested an amendment that would accommodate additional rentals.

Jason Saris asked Atty. Muller about the concerns of the applicants ending up in "no man's land" pertaining to going back and forth between the two Boards. Atty. Muller stated that as he understands it, Mr. King would like to send the project to the Planning Board for an advisory opinion. He stated that they could not refer the business before this Board to the Planning Board to act on and they could not refer this to the Planning Board for a final decision. He read § 200-66. Referrals, from the code and stated that there was a provision in the code that allowed the ZBA to refer this to the Planning Board for an advisory opinion and recommendation. He explained that the resolution must be very specific. He stated that he agreed with Mr. Anthony in that the LGPC had put together a very bold letter and most of the issues are Planning Board issues in which they are trained to handle. He stated that the Board should discuss this thoroughly.

Jason Saris asked if the Board decides to send it to the Planning Board, should they go through all the public comment. Atty. Muller stated that he would recommend to the public that it would really be a waste of time right now to make comments. He stated they should first go to the Planning Board and to keep the Public Hearing open. He stated that the Board would not be bound by the opinion of the Planning Board, but they would be advised and informed by it. The Planning Board would not be making any approvals at this time.

Atty. Killeen stated that there was a very elaborate stormwater plan designed and approved by the Town Engineer. He stated he would ask that the Board be very specific in the questions they are seeking advice in, and not the questions that are self-evident. He stated that this application has been here for 20+ months now.

Jason Saris stated that the Board needed to decide what they would like to do at this time.

Holly Dansbury asked what the Board would be asking the Planning Board for. Jason Saris replied that was up to the Board.

Jeff Anthony stated he would like questions 14-31 in the LGPC, July 2014 letter to be addressed.

RESOLUTION

Now, upon motion duly made by Jeff Anthony and seconded by Matthew Slaughter, it is resolved that the ZBA does hereby forward this project to the Planning Board for an advisory

opinion based on questions 14 -31 in a letter from the LGPC dated July 18, 2014. Jason Saris opposed. **All others in Favor. Motion Carried.**

Atty. Killeen wanted to address the waste water issue and stated that very clearly the facility on Edgecomb Pond Road did not have any waste water in the sense of what they were talking about. He believes they are asking for advice on something that was not even an issue and would like to know why they would encumber the resolution with something they have an answer for.

Atty. Killeen asked if they would be before the Planning Board for the October meeting. Atty. Muller replied yes.

Atty. Killeen asked if the LGPC stated they were satisfied with the project before the October meeting, would it supersede the Planning Board's advisory opinion. Don King stated this Board had asked for an advisory opinion from the Planning Board. Atty. Muller stated that the Zoning Board made the referral and although it would be very helpful if the LGPC stated that all the issues were resolved, this will still have to go through the process with the Planning Board. Atty. Killeen asked again if they would still need the advisory opinion of the Planning Board saying the LGPC was satisfied. Atty. Muller replied no, the LGPC does not regulate, interpret or apply the Bolton Stormwater Ordinance. He stated the ultimate advisory opinion will come back to the Zoning Board from the Planning Board on questions 14-31. Atty. Killeen stated he wanted to be clear on the record what was being required. Atty. Muller replied an advisory opinion from the Planning Board.

3. **V14-32 PICCIANO, MARY & COLLINS, LYNNE.** Represented by Curtis Dybas. To alter single family dwelling and detached garage, specifically to enclose portion of screen porch, construct enclosed connection to garage, and construct a 140 square foot bath and closet addition, 1) seek area variance for a deficient front yard setback. 50' is required, 42' is proposed; and 2) To alter non-conforming structures in accordance with Section 200-57B(1)(b). Section 171.14, Block 1, Lot 11, Zone RL3. Property Location: 14 Mohican Heights.

Curt Dybas presented the following;

- They need to make the home handicap accessible.
- They are proposing a 120 sq. ft. addition to the East side.
- An open porch on the roadside is to be enclosed along with a gap between the house and the garage.
- There is a private well and septic system on the property that meet the setbacks.

Jason Saris stated that the pictures and drawings they presented were very informative. Mr. Dybas stated that the Zoning Administrator had suggested it. Don King replied that it was very descriptive and should be routine.

Jeff Anthony stated that it was a logical solution to the client's needs and the addition was very minor.

RESOLUTION

The Zoning Board of Appeals received an application from Mary Picciano & Lynne Collins (V14-32) 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#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: There is no room.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It improves the neighborhood and fits the existing design of the house.
- 3) The request is not substantial; It is a minimal change.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. There aren't any it is an improvement.
- 5) The alleged difficulty is not self-created; It is pre-existing non-conforming structure. 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 Matthew Slaughter and seconded by Mike Calautti, it is resolved that the ZBA does hereby approve the variance request as presented. **All in Favor. Motion Carried.**

4. **V14-33 SCHNEIDER, JOHN & CHRISTINE.** To alter multi use structure, specifically to add a 64 square foot deck to existing second floor landing and a 420 square foot second floor deck, 1) seek area variance for a deficient front yard setback. 30' is required, 7' is proposed; 2) To alter a non-conforming structure in accordance with Section 200-57B(1)(b). Section 186.14, Block 1, Lot 25, Zone RCH5000. Property Location: 4591 Lake Shore Drive. Subject to WCPS review.

John Schneider presented the following:

- This is the old Bell Point Realty property.
- They want to fix the stairway in the front and expand it.
- The second part is the deck on the Trout Lake Road side where there is a row of trees to block it.

- He spoke to DOT and they did not have a problem with easement setbacks from the road.
- He also spoke with the County and he also met the easements from Trout Lake Road.
- The design will conform with the Adirondack style.
- It is not coming out past the building.
- On the side it will come out about 21 ft.

Jason Saris asked if the side deck would be used as a carport to. Mr. Schneider stated that he would be parking underneath it but it would not be enclosed. He stated that he could not build in the back due to the septic. Jason Saris asked if the access to the deck would be from the interior only. Mr. Schneider replied yes and it will also create a fire escape.

Holly Dansbury asked if they would be moving the large rock. Mr. Schneider stated no. Matthew Slaughter asked if the rock would be in the way of parking. Mr. Schneider replied no it was on the outside of the footprint and not underneath the deck.

Don King stated that he noticed that he had already dug for footings. Mr. Schneider replied that they had to probe for any obstacles.

Atty. Muller read an e-mail from Sean Raymond from Warren County DPW into the record stating he did not see any issues with this project.

RESOLUTION

The Zoning Board of Appeals received an application from John & Christine Schneider (V14-33) 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#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: There is no other reasonable alternative for the placement of the deck. The smaller deck will not increase the setback and there is no other place to put the larger deck on the property.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It will retain the nature of the current building.
- 3) The request is not substantial; The parking area already exists in the same footprint under the larger deck.

4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. It will freshen the one deck and the other is in keeping with the current construction.

5) The alleged difficulty is self-created; There is no other feasible place to put the decks. 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 Famosi and seconded by Holly Dansbury, it is resolved that the ZBA does hereby approve the variance request as presented. **All in Favor. Motion Carried.**

5. **V14-34 BWM REALTY ASSOCIATES (JOHN KELLY).** Represented by Joseph Haines. To alter existing 8-unit motel building, specifically to do exterior renovations and raise the roof, 1) seeks area variance for a deficient side yard setback. 20' is required, 15' is proposed; 2) To alter a non-conforming structure in accordance with Section 200-57B(1)(b). Section 200.06, Block 1, Lot 19.1, Zone RM1.3. Property Location: 4436 Lake Shore Drive. Blue Water Manor. Subject to WCPS review.

Joseph Haines presented the following;

- They are an existing motel and restaurant.
- They would like to renovate an 8 unit existing non-conforming building.
- The renovation is exterior in nature to make it more of a timber frame structure.
- They would like to give the flat roof a new pitch.
- They want to make it more in character to the other buildings on the property that they have already renovated.
- He passed around a picture of the proposed project to the Board.

Don King stated the new entrance to the banquet hall was impressive. Mr. Haines stated that the floor plan would be staying the same they would just be freshening up the inside. He stated that they would be back with an overall comprehensive plan.

Chris Navitisky, stated that they did not oppose the project and asked that they consider stormwater and stated that they would be willing to work with the applicant in implementing some plans for this.

Jason Saris stated it was nice to see the applicant restoring the property and not knocking it down and turning it into building lots. Don King agreed and stated they have cleaned up the property immensely.

Jeff Anthony stated he liked the changes too and suggested that they consider a master stormwater plan for the site.

Jason Saris asked if there was a gutter system on the existing roof. Mr. Haines replied currently there is not and he was looking at that and it would have to be addressed. He stated

that they would be taking this all into consideration when they came to the Board with a master plan for the property.

Holly Dansbury inquired if they were seasonal units. Mr. Haines replied that they were.

RESOLUTION

The Zoning Board of Appeals received an application from BWM Realty Associates (V14-34) 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: The project is strictly vertical with nothing above and beyond the existing footprint.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. If anything it will be polished up and it is in keeping with the nature ascetics of the surrounding facility.
- 3) The request is not substantial; It is not going beyond the footprint.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. If anything the reconfiguration of the roof will lead to some additional mitigation of runoff of water into more vegetation.
- 5) The alleged difficulty is not self-created; It is a pre-existing structure getting a new roof. 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 Don King and seconded by Mike Calautti, it is resolved that the ZBA does hereby approve the variance request as presented. **All in Favor. Motion Carried.**

6. **V14-35 LARKIN, RICHARD.** Represented by Leonard Rosa. In accordance with Section 200.47G2, seeks area variance to allow transient mobile homes to be occupied outside a licensed mobile home court for more than 10 day. The proposal is to allow seasonal use of RVs to accommodate additional family and friends thru the summer season. Section 184.02, Block 2, Lot 6.1, Zone RR5. Property Location: 863 East Schroon River Road. Subject to WCPS and APA review. See SPR14-21 associated with the project.

Leonard Rosa and Richard Larking presented the following;

- Mr. Rosa is the tenant on this property.
- Due to the size of his extended family he would like to be able to use the camper when they visited throughout the summer.
- He works many hours and lots of times he sleeps in the trailer while they are visiting.
- It is a self-contained camper and they do not use the sewer on the property.
- They are members at a park down the road, which is no longer a seasonal park.
- This means they can park there for two weeks at a time and then must pull it out.
- This is very hard to do with his work schedule.
- It is easier for him to just bring his camper in as needed to empty the septic and fill the water tank.

Jason Saris asked if they were basically using this as a spare bedroom or guest cottage. Mr. Rosa replied occasionally, yes.

Don King asked if the application was for two units. Mr. Larkin stated it was for another friend to keep his camper on this site and use his camper intermittently. He has had other tenants at the site and some of his neighbors complain about the possible noise, but the noise made by the children visiting Mr. Rosa is not the same as a bunch of unruly, drinking adults.

Jason Saris asked if there wasn't any problem involved with parking these campers on the site, it was just the issue of sleeping in them. The Zoning Administrator replied this was true. Jason Saris asked if the site would be allowed to have a guest cottage. The Zoning Administrator replied yes. Atty. Muller stated it was also allowed for transient mobile home with a cap of 10 days, which is why they need a variance.

Christopher Sprague of Schroon River Road asked how they knew it would only be two campers. There are 6 travel trailer parks between exit 23 and exit 24. He stated his concerns with the sewage. He wants to know if it is only be limited to two campers. Mr. Rosa replied they would only have two campers.

Deborah Walsh asked if there would be a cap on the campers. Jason Saris stated it would be for a specific amount if the Board granted it. Mr. Larkin stated that they only wanted two campers on lot one for the use and they would use the campground to discharge effluents and recharge their water. He stated he understands the neighbors' concerns. Mrs. Walsh asked when the summer season started and ended and if there would ever be accommodations for sewer and electricity. She also asked if the campers would be there all year. Jason Saris stated that this Board could not address any sewer issues. Mr. Rosa stated that the whole system is self-contained and would be emptied at the RV Park. He stated that every year it would be winterized and stored on the property and the camping season would not be in the winter. He stated that they would like to be able to use it right up until it was too cold.

Mike Calautti asked if they were R.V.'s as opposed to trailers. Mr. Rosa replied yes it was a 40 ft. travel trailer.

Holly Dansbury asked if they had looked into other places to use the camper. Mr. Rosa stated they have and the expense is too great along with the place that they have already purchased a membership at. Holly Dansbury stated she had concerns with the neighborhood.

Jason Saris stated that the applicant can park the two RV's on the property now, and this variance is only to grant someone to stay in them during the warmer season. Jeff Anthony asked if this variance would run with the land. Atty. Muller replied yes, the applicant is asking for relief from the Ordinance, and this application also has to go to the Planning Board and they can make a condition to the Planning Board that they revisit this application from year to year if they approve it.

RESOLUTION

The Zoning Board of Appeals received an application from Richard Larkin (V14-35) 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: Only feasible means for this applicant to get the extra space for the summer time.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. The R.V.'s are already allowed and the occupancy will not change the character of the neighborhood.
- 3) The request is not substantial; Putting a building on the property would be more substantial than these campers that can be removed.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Having someone in the RV's will not impact the neighborhood.
- 5) The alleged difficulty is not self-created;
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 Matthew Slaughter and seconded by Mike Calautti, it is resolved that the ZBA does hereby approve the variance request to allow two R.V.'s on the property as a guest cottage with a suggestion to the Planning Board that they revisit this application after 1 year. Holly Dansbury opposed. **All others in Favor. Motion Carried**

- 7. V14-30 SARIS, JASON & ANNETTE.** To alter single family dwelling, specifically to reconfigure and rebuild a porch, 1) seek area variance for a deficient front yard

setback. 30' is required, approximately 3.75' is proposed; and 2) To alter a non-conforming structure in accordance with Section 200-57B(1)(b). Section 171.15, Block 1, Lot 71, Zone GB5000. Property Location: 16 Cross Street. Subject to WCPS review.

Jason Saris presented the following;

- When they purchased the place the Cross St. entrance was in dire condition.
- It needs to be rebuilt and they would like to reconfigure it to make it more compliant.
- He would like to put the roof back over it to cover the steps.
- The snow landing on the steps is treacherous.
- He asked the Zoning Administrator if it would be a problem if it ended up being a little smaller than what the plans depict. The Zoning Administrator replied no.
- They do not want to have to build around the existing electric.

Jeff Anthony stated that less is always better than more of what you ask for.

Mike Calautti asked if there were steps there. Jason Saris replied yes they would be underneath. Jeff Anthony pointed them out on the drawings.

Jeff Anthony asked if the steps would be going sideways now. Jason Saris replies yes they would be going south.

RESOLUTION

The Zoning Board of Appeals received an application from Jason & Annette Saris (V14-30) 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#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: There are no other feasible means for rebuilding the stairs making them more compliant.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It will be an improvement that is increasing the safety aspects and decreasing the setback.
- 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. It will be an improvement making it further from the street.
- 5) The alleged difficulty is not self-created; it's a pre-existing non-conforming structure.

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 Famosi and seconded by Matthew Slaughter, it is resolved that the ZBA does hereby approve the variance request as presented. Jason Saris recused himself. **All others in Favor. Motion Carried.**

The meeting was adjourned at 8:29pm.

Minutes respectfully submitted by Kate Persons.