

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, Aug 14, 2018
6:00 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: Joy Barcome, Holly Dansbury, Jason Saris, Lorraine Lefevé, Carla Cumming, Jeff Anthony, Zoning Administrator, Pamela Kenyon and Counsel Michael Muller

Absent: John Whitney

The meeting was called to order at 6:00 pm.

Jason Saris asked if there were any corrections or changes to the July 17, 2018 minutes.

RESOLUTION:

Motion by Holly Dansbury to approve the July 17, 2018 minutes with the following correction on page 4. Paragraph 1 should read as follows: “He said DEC allowed 1,100 gallons before they considered it bulk storage” not 11,000 gallons which was printed. **Seconded by**, Lorraine Lefevé. Jeff Anthony abstained. **All others in Favor. Motion Carried.**

1. **V18-20 SMITH, DAVID.** For the construction of a proposed single-family dwelling with attached breezeway and garage, seeks area variance for deficient setbacks. Front: 100’ is required, 51’ is proposed. Rear: 50’ is required, 45.6’ is proposed. Section 139.00, Block 1, Lot 20, Zone LC25. Property Location: 205 New Vermont Road. See SPR18-30 associated with this project.

David Smith stated that this was a non-conforming lot and that is why he requires a variance.

Jason Saris asked if he had considered any other options for the placement of the home. Mr. Smith stated they had, but the topography is not conducive to moving the home back any further. Placing the structure further back on the property would also require him to remove more trees.

Jason Saris asked the square footage of the home. Mr. Smith replied including everything it was approximately 3,300 square feet.

Holly Dansbury asked if he had included stormwater management with his plans. Mr. Smith stated he had and detailed them on the plan.

Carla Cumming stated she appreciated that everything had been laid out for the Board to see. She asked about the driveway. Mr. Smith stated they would be moving it 25' to the north so it lined up with the center of the garage.

RESOLUTION

The Zoning Board of Appeals received an application from David Smith, (V18-20) for an area variance as described above.

And, due to notice of the Public Hearing of the ZBA;

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.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: As stated by the applicant, this is the best location considering the topography.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It appears that they put a lot of thought into preparing the design and stormwater prepared by an engineer.
- 3) The request is not substantial. It is a modest home that will fit nicely in the neighborhood.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. They did a lot of work with preparing the stormwater management and septic design.
- 5) The alleged difficulty is not self-created; It is a non-conforming lot.

In weighing the factors, 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 Holly Dansbury and Seconded by, Joy Barcome it is resolved that the ZBA does hereby approve the variance request as presented. It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **All in favor. Motion Carried.**

2. **V18-21 LUND, MARTIN & TINA.** Represented by Hutchins Engineering. To demolish and rebuild single family dwelling, seeks area variance for a deficient front yard setback. 50' is required, 39.8' is proposed from the private right-of-way to the north. Section 186.15, Block 1, Lot 39, Zone RM1.3. Property Location: 178 Homer Point Road. Subject to WCPS review. See SPR18-15 associated with this project.

Tom Hutchins of Hutchins Engineering presented the following:

- The Lund's are the owners of the parcel at 178 Homer Point Road, along with the adjacent parcel to the south.
- They propose to remove an aged structure from the parcel and construct a new residence.
- The house was laid out to meet all the property line setbacks.

- They ran into a historic right of way from a 1947 subdivision which was created to allow access to a lot out on the point.
- The property has since been merged with the property that the right of way was created over, but the right of way still exists.
- So now they have to consider it a 50' setback.
- They are unable to hold the 50' setback from this right of way.
- They are able to hold 40' so they are requesting relief for it.
- They will be compliant in every other way.

Holly Dansbury asked if there was any way to shift it. Mr. Hutchins stated that the house had been designed to specifically meet the side and shoreline setbacks. This right of way issue caught them late in the process. The right of way access is one parcel which is under common ownership.

Jason Saris asked if the right of way was still in use. Mr. Hutchins stated the driveway was still in use.

Carla Cumming said there was a long driveway that goes down to the property next to this parcel. Mr. Hutchins said there is a driveway presently on this property, and it is on the existing driveway. Jason Saris stated that because the parcels were merged, it became more of a driveway, which you would not need a setback from. Mr. Hutchins stated this was correct, but the right of way is still in the deed.

Holly Dansbury asked if they would be utilizing the existing footprint for the new home. Jason Saris said that it is completely compliant with the property line setbacks. Mr. Hutchins depicted the plans and said the proposed house was going over the existing house and is about 4' closer. The current house is over the side setbacks which they are now improving.

Atty. Mueller read an email from Irving & Marsha Metzger in favor of the project.

Zoning Administrator, Pamela Kenyon inquired about Town Engineer, Tom Nace's letter and asked if they would be asking for a variance for a 100' set back from the shoreline for stormwater controls, as she did not have it on the agenda. Mr. Hutchins stated they did not intend to request it.

RESOLUTION

The Zoning Board of Appeals received an application from Martin & Tina Lund, (V18-21) 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.

1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: This is the best location, and this is basically a variance for a right of way that is a driveway.

2) There will be no undesirable change in the neighborhood character or to nearby properties. They did a good job with stormwater management and improvements.

3) The request is substantial. This is not an overly large home.

4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. They put a lot of thought in this and added stormwater and a new septic.

5) The alleged difficulty is self-created; The benefit to the applicant is desirable.

In weighing the factors, 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 Holly Dansbury and Seconded by, Carla Cumming it is resolved that the ZBA does hereby approve the variance request as presented. It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **All in favor. Motion Carried.**

The meeting was adjourned at 6:22pm

Minutes respectfully submitted by Kate Persons