

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, November 13, 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, John Whitney – Acting Chairperson, Lorraine Lefevé & Carla Cumming and Zoning Administrator, Pamela Kenyon

Absent: Jason Saris, Jeff Anthony and Counsel Michael Muller

The meeting was called to order at 5:55 pm.

John Whitney asked if there were any corrections or changes to the October 16, 2018 minutes.

RESOLUTION:

Motion by Joy Barcome to approve the October 16, 2018 minutes as presented. **Seconded by, Holly Dansbury. All in Favor. Motion Carried.**

- 1. V18-27 VACATIONS BY QUALITY PM.** Represented by Greg Biche. To alter single family dwelling, specifically to add a 6'x4' landing/stairs, seeks area variance for 1) a deficient rear yard setback. 15' is required, 4.5' is proposed; 2) lot coverage – 40% is allowed, 41% is proposed; and 3) to alter a nonconforming structure in accordance with Section 200-57B(1)b. Section 171.19, Block 2, Lot 15, Zone GB5000. Property Location: 2 Rogers Memorial Park Road. Subject to WCPS review.

Bob Helligrass from Quality PM presented the following:

- They are seeking an area variance to install an exterior door on the south side of the building with a landing and a set of stairs to grade.
- This will provide easier access to that side as well as a grill area on the south east corner of the building.
- This will be in the location of a current window.

John Whitney asked if they had considered any other options for placement when choosing this location. Mr. Helligrass said this area makes the most sense to gain access to that side. There is a front door where it comes out to Route 9. North side has no location and there is a screened in porch on the back with access to Roger Memorial Park. There is a shared driveway that is very tight to pass through. John Whitney asked if this was for a little more access to the limited back yard that they currently had. Mr. Helligrass replied yes.

Holly Dansbury asked if it would be possible to locate it on the opposite side of the screen porch. Mr. Helligrass replied that the one reason that they did not want to do this was because there was a tree located there and they did not want to remove it. If they put the stairs on that side they would come out on to the driveway and they would be losing the space where they have the grill and the garbage area. It was also a higher grade.

Carla Cumming asked what they planned to do about the grade issue. Mr. Helligrass stated they did believe there was an issue. It was only going to be some sonotubes in the ground with a landing and a set of stairs. There would not be any hardscape or concrete pad of any sort that would force water further along. Carla Cumming stated she was there today, and it was a puddle and she wondered if they were planning on stepping down into a puddle. Mr. Helligrass stated he hoped not. Carla Cumming said she could not see how this was not a drainage issue and asked if there were any gutters on the building to catch this. Mr. Helligrass replied not on that side, but that may be an option.

John Whitney asked if there would be a roof over the steps. Mr. Helligrass said no, it is just a landing that is required by the building code.

Holly Dansbury asked if they would be able to grade it up a little bit. Mr. Helligrass replied sure.

Lorraine Lefevre asked who owned the trees between the two homes. Mr. Helligrass replied that he was not actually sure of that.

Holly Dansbury asked if the whole purpose of this was for the convenience. Mr. Helligrass replied yes. Holly Dansbury asked if there were already two exits from the building. Mr. Helligrass stated there were. One was in the front north west corner and the other one was from the screened porch. Lorraine asked if that was all blacktopped. Mr. Helligrass replied that the driveway was blacktop.

Lorraine Lefevre asked if there was room to put the grill someplace else. Mr. Helligrass said there was a fence in that area and road was very close, so it was not a good spot.

John Whitney asked where the cars were parked. Mr. Helligrass replied on the east end of the building by the porch. They come in at the Roger Memorial Park entrance.

John Whitney asked if the notion was that the back exit is difficult to navigate when the vehicles are in the driveway. Mr. Helligrass replied this was correct.

Eileen O'Brien of 4916 Lake Shore Drive stated the following.

- They feel that this would affect the quality of their life and the value of their home.
- There is major stormwater runoff that comes down into their house from this property.
- They removed their portion of the driveway just to remediate some of the stormwater that runs down to their property.

- She objects to the need for this it is a very narrow space.
- If you look at the photographs in her packet, they would be looking out of their kitchen into this proposed spot.
- There is room on the north side of the house to allow for the grill and landing without effecting their lives.
- She is asking the Board to make the applicant find another solution.

Holly Dansbury inquired about the stormwater that Ms. O'Brien was referencing. Ms. O'Brien stated it was coming from Route 9 and traveling across the applicant's property and running down to their land. Holly Dansbury stated that this was already a current issue that is occurring before any steps are put in if they are approved. Ms. O'Brien said that if they had to make any alterations to the property it would divert the water to them. Holly Dansbury said the applicant stated they could increase the grade to keep it from puddling and also if they agreed to add gutters it may even improve the situation. Ms. O'Brien said the gutters had to put the water somewhere.

Ms. O'Brien said the landing was 3' off the ground and the drawing does not show a lot of the necessary information. It is not detailed and has very little information.

John Whitney asked why they could not position a side exit off from the back porch. Mr. Helligrass said where the screened in porch is, it forms an alcove from the back of the building where there is space for the grill and the garbage. To provide a landing there and turn the stairs to the driveway, it takes away the space. If they turn it the other way it also takes away the grill area and the access from the kitchen area.

John Whitney stated the Board sees a lot of requests for additional entrance/exits. Usually for older homes with single exit with legit safety issues. It is a little unusual for a house this size to require three ins and outs. When you look at this, they are way below the required setback and this is a very significant request due to the constraints of the space. Given the significance of the incursion on the existing setback which isn't up to code, he has concerns about it. The neighbor also has legitimate concerns about the privacy issues.

Holly Dansbury inquired if there was any way to screen the area from the neighbor. Mr. Helligrass replied that it would be a possibility, but that it was only an area to grill not congregate.

Lorraine Lefevre asked him to revisit why they could not use the other side of the house for the grill area. Mr. Helligrass stated it was just the location to the door and the driveway. Lorraine Lefevre stated there was a door there and it was a pretty big area. Carla Cumming agreed and stated this would be a totally protected and screened area that could accomplish their goal. She did not think this would be a huge inconvenience.

John Whitney stated that there were at least 3 issues with the criteria they followed.

Mr. Helligrass said he would like to table this and look at other alternatives.

Correspondence from Eileen O'Brien in opposition of the application.

No County Impact

RESOLUTION

Now, upon motion duly made by Joy Barcome and Seconded by, Carla Cumming it is resolved that the ZBA does table the variance request at the applicant's request. **All in favor. Motion Carried.**

The meeting was adjourned at 6:25PM

Minutes respectfully submitted by Kate Persons