

**Town of Bolton**  
**ZONING BOARD OF APPEALS**  
**MINUTES**  
**Tuesday, January 25, 2022**  
**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:** Chairman Jason Saris, Joy Barcome, Holly Dansbury, Jim Senese; Robert Kennedy; Planning & Zoning Director - Richard Miller, PE; Town Planner - Joshua Westfall, AICP & Counsel – Brian Reichenbach and Mary Elizabeth Kissane.

**Absent:** Jeff Anthony, Dan Sheridan & Alternate - Lorraine Lefevre;

The meeting was called to order at 6:00 p.m.

**Minutes Approval:** Jason Saris asked if there were any changes or corrections to the November 16, 2021 minutes.

**RESOLUTION:**

Motion by Holly Dansbury to approve the November 16, 2021 minutes as presented. Seconded by Jim Senese. All in Favor. Motion Carried.

- 1. V21-32 Daniger / Cromwell;** the applicant seeks an area variance related to construction of an addition (approx. 48' x 25') to an existing single-family residential structure within the Scenic Corridor Setback as required per §219-15 and §219-19. The addition is proposed to be located south of current residential structure and completely within the 75' Scenic Corridor Setback; front of addition will be 24.56' from front property line at Coolidge Hill Road. Zoning District RCM 1.3. Property Location: 73 Coolidge Hill Road. Section 213.13 Block 1 Lot 6. Subject to APA, SEQRA, WCPA and LWRP Review.

Dan Daniger presented the following:

- The house was built in 1840.
- The whole footprint is within the 75' of the setback
- He detailed the plans to the Board.
- He is trying to make his house more A.D.A compliant to help with his knee issues.
- He has already upgraded his septic to accommodate four bedrooms.
- The roof height is only going to 20'.

Jason Saris asked if anything that he did would violate the scenic corridor setbacks. Mr. Daniger replied yes, the entire house is within the scenic corridor setback.

Jason Saris asked if he was staying within the footprint of the existing home. Mr. Daniger stated he was expanding by 8' on one side and 11' on the other side. Holly Dansbury asked

if he would be changing the existing scenic corridor setbacks. Mr. Daniger replied that he was not, he would not be going any closer to the road.

Holly Dansbury asked if he met the setback from the stream in the back. Mr. Daniger replied yes.

Joy Barcome asked if the lighting would be dark sky compliant. Mr. Daniger stated it would and he would be adding some stormwater controls for the addition.

## **RESOLUTION**

The Zoning Board of Appeals received an application from Daniger / Cromwell (V21-32) 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 #1 of the agenda.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance. This is his best option. He is looking for the first floor bedroom due to his knee issues.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It will be pretty much within the existing footprint.
- 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. This will be an improvement.
- 5) The alleged difficulty is not self-created. This is 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 Joy Barcome and seconded by Jim Senese, 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. V21-33 Torrey, Donald and Susan; the applicants seek and a variance to temporarily occupy existing unapproved vacant cabin structure during construction of single-family dwelling. Existing cabin structure was constructed prior to applicant's property purchase without Town approvals or inspections by Warren County Building Department. Upon completion of single-family dwelling applicant seeks to maintain structure as guest home.

Zoning District LC 25 and RL3. Property Location: 84 North Bolton Road. Section 156.00 Block 2 Lot 63.2. Subject to APA, SEQRA, WCPA and LWRP Review.

Donald Torrey presented the following:

- They are asking to turn an existing cabin/shack into a guest cottage once they build their new home.

Jason Saris asked what relief the applicant was looking for from the Zoning Board. Planning & Zoning Director - Richard Miller, PE stated he thought basically, they needed this in order to get an inspection of the existing building by the Warren County Building Department for a sign off on the building to say it is structurally safe. They would like to use the building to stay in while building their house. Jason Saris stated he understood this, but this Board did not have anything to do with the administration of NYS Building Codes. Mr. Miller replied that he understood this, but there are no records of this structure, so he believes it is an illegal structure. Jason Saris asked Mr. Miller how he proposed the board to make it legal. Mr. Miller stated he was looking for a recommendation from the Board to have the building inspected and signed off on. Jason Saris asked how large the structure was. Mr. Torrey said that he thought it was about 500 sq. ft. and a log shop about 300 sq. ft. Mr. Senese asked if there were any utilities to these structures. Mr. Torrey replied, only electricity. Robert Kennedy asked if the intent was to bring the structure up to code. Mr. Torrey replied yes, it was something they were looking into. Atty. Reichenbach stated that if there were no violations of the area or density requirements, they would simply need to get a certificate of compliance if it is in compliance with the code. This would allow Warren County to inspect. Mr. Miller said they could probably give it a certificate of compliance.

Jason Saris asked when the structure was built. Mr. Torrey said he suspected prior to when the lot was subdivided which was in 2004. Jason Saris stated the statute of limitations was 10 years, so the window was closed on pursuing it as a violation. He suggested that Mr. Torrey fill out the paperwork for a certificate of compliance.

Mitch Angell neighbor to the east stated that in the past they have had problems with tree cutting by previous property owners. He also questioned an illegal building on the lot. Jason Saris explained the zoning in that district and what was allowed. He also stated that this Board did not give the applicant permission to do anything. He explained the code and what was allowed to Mr. Angell. He said any enforcement action that Mr. Angell seemed to be looking for would need to be taken up with the Zoning Administrator.

## **NO ACTION TAKEN**

- 3. V21-34 Winslow, Donne-Lynn;** the applicant seeks an area variance related to two additions to a single-family residential home located on a non-conforming lot. Variance requests are related to side and shoreline setbacks as required by §200-15. Existing side setback is 30' +/- on the south side, 57' +/- on north side, proposed side setbacks are 14.5' and 45' respectively and total 59.5', required side setbacks of 50' on one side total of 100'. Required Shoreline Setback is 100', currently structure is located 53' from shoreline,

proposed shoreline setback is 52'+/-. Zoning Districts: LC 45.; Section 186.15 Block 1 Lot 15. Location: 46 Treasure Point. Subject to APA, SEQRA, WCPA and LWRP Review.

Donne Lynn Winslow presented the following:

- They are looking to add 2 additions to their existing home.
- One is to enlarge a first-floor bedroom and the second is for a screened in porch.
- The additions are being attached to a pre-existing, non-conforming structure.
- The bedroom will not encroach any further on the shoreline setbacks from the lake.
- This is the only viable area to place these additions due to septic and garage.
- The porch addition will be in line with the existing structure.

Holly Dansbury asked if they could move the screened porch back a foot. Ms. Winslow explained that there is an existing door on the home that only allows for the porch to be placed there. If they moved it back, they would need to move the entrance into the house which would entail changing the interior layout drastically.

Jason Saris asked if the practical difficulty was due to this structure being a pre-existing, non-conforming structure. Ms. Winslow stated this was correct. Jason Saris asked if the reason there no other place was to put these additions was due to pre-existing septic systems. Ms. Winslow replied yes.

## **RESOLUTION**

The Zoning Board of Appeals received an application from Donne-Lynne Winslow (V21-34) 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 #3 of the agenda.

The benefit could not be achieved by other means feasible to the applicant besides an area variance. This is a pre-existing, non-conforming structure and this is the only area to place them on the non-conforming lot.

- 1) There will be no undesirable change in the neighborhood character or to nearby properties. This will add to the look of the home.
- 2) The request is not substantial. These are modest additions.
- 3) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. They will not be removing any trees.
- 4) The alleged difficulty is not self-created. This is 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 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.**

**4. V21-35 Bolton Studios.** Represented by Apex Solar. The applicant seeks an area variance for side yard setback related to the installation of a solar array. Required side yard setback is 30', proposed 28'. Zoning Districts RR5 and LC 45. Property Location: 609 Edgecomb Pond Road. Section 155.00 Block 1 Lot 36.4. Subject to APA, SEQRA, WCPA and LWRP Review.

Peter Kronau of Apex Solar presented the following:

- The applicant would like to install a solar array.
- The array will be 25' from the structure.
- It will be approximately 5'-10' from the property line, which is the border of a property that they own.
- This is the only location in which to place the ground array that will avoid the house shading the array.

Jason Saris asked if this was the only practical location. Mr. Kronau replied yes. Holly Dansbury asked why they couldn't move it in 2'. Mr. Kronau explained that moving it in would cast a shadow from the house covering the array.

Holly Dansbury asked how tall the arrays were. Mr. Kronau stated that they were 14' but that they were being built into a hill and he detailed it to the Board. He explained that they could not put them on the roof due to the manufacturer stating that the roof warranty would be voided.

Holly Dansbury asked if they would be visible from the road. Mr. Kronau replied no and detailed the plans.

#### **RESOLUTION**

The Zoning Board of Appeals received an application from Bolton Studios (V21-35) 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 #4 of the agenda.

The benefit could not be achieved by other means feasible to the applicant besides an area variance.

- 1) There will be no undesirable change in the neighborhood character or to nearby properties. This will not be seen and will be built into the hillside.
- 2) The request is not substantial. They are only requesting 2' of relief.
- 3) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- 4) The alleged difficulty is 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 Jim Senese and seconded by Robert Kennedy, 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 7:45 p.m.

Minutes respectfully submitted by Kate Persons