

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, July 26, 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, David Kneeshaw, Holly Dansbury, Dan Sheridan, Alternates - Lorraine Lefevre & Henry Caldwell, Acting Planning & Zoning Director - Joshua Westfall, AICP & Town Counsel – Brian Reichenbach

Absent: Joy Barcome & Jim Senese

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 June 14, 2022 minutes.

RESOLUTION:

Motion by Holly Dansbury to approve the June 14, 2022 minutes as presented. Seconded by Dan Sheridan. **All in Favor. Motion Carried.**

- 1. V22-13 Castelano;** The applicant seeks an area variance to alter a preexisting, non-conforming structure per §200-67(b)(1)(b) related to the modification of an existing garage and attached bulk storage room. The storage area will be removed and replaced with a guest house within the existing footprint of the bulk storage area and expanded to the north (rear). The resulting structure will add a 24' X 24' two-story addition and 8' x 24' deck. Zoning District RCL 3. SBL 186.14-1-20.2. Location: 931 Trout Lake Rd. Subject to APA, WCPS and LWRP Review.

Holly Dansbury recused herself.

Curt Dybas presented the following:

- They bought the property in June of 2021.
- They decided heating the existing log cabin in the winter was next to impossible.
- They would like to modify the existing 2 car garage by removing the addition to build a 24 x 24 cottage for winter use.
- They would use the existing log cabin for seasonal use.
- They would have the well and septic located before they apply for a permit.
- The new septic system will not connect to the existing septic.
- There will not be a full kitchen and will not have a range.

Jason Saris said it looked as if they would not be encroaching any further into the setbacks. Mr. Dybas replied this was correct.

Henry Caldwell inquired if they would be renting any of the houses. Mr. Dybas replied absolutely not. This guest house was for the applicants use only. Jason Saris stated that a guest house is an allowable accessory structure in this zone. He stated that the code has been revised so that a full kitchen is now permitted in a guest house. Acting Zoning & Planning Director Josh Westfall, AICP stated this was correct. The definition was changed by the Town Board last year.

Jason Saris inquired about the density on the site with the accessory structure. Acting Zoning & Planning Director Josh Westfall, AICP stated that it fits within the parameters of the square footage of an allowable structure. Atty. Reichenbach stated that by not exceeding the square footage cap, it meets the definition for a guest house. Acting Zoning & Planning Director Josh Westfall, AICP replied that he believed that it was reviewed by the APA. Curt Dybas stated there was no intent to subdivide the lot.

David Kneeshaw asked what the height of the new addition would be. Mr. Dybas stated that the building height would not be over the mandated 35' required by the code.

RESOLUTION

The Zoning Board of Appeals received an application from Castelano (V22-13) 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 benefit could not be achieved by other means feasible to the applicant besides an area variance. This is already a non-conforming structure requiring a variance even when not encroaching any further.

There will be no undesirable change in the neighborhood character or to nearby properties.

This will be keeping the same aesthetic and the building will look better.

The request is not substantial.

The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The alleged difficulty is not self-created. This is just adding square footage to the 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 Dan Sheridan and seconded by Henry Caldwell, 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. **V22-14 Murphy;** The applicant seeks an area variance per §200-15 related to setbacks, and to alter a preexisting, non-conforming structure per §200-67(b)(1)(b) related to the expansion of an existing porch. The new porch will be located 26' and 15' from the south and north side yards respectively; 19' and 16' side yard setbacks exist on the current structure. 30' side yard setback is required; 4' and 15' of relief are requested from the south and north side yard respectively. Zoning District RCL 3. SBL 185.00-1-45. Location: 567 Trout Lake Rd. Subject to APA, WCPS and LWRP Review.

This item was heard 3rd at the meeting

Michael Eddy of Eddy Enterprises presented the following:

- There is a 6' x 24' existing shed/porch and they are proposing to expand it to 12' x 24'.
- They will be adding a new roof over the cabin and changing the shed/porch roof to a gable end.
- This does not change much in relation to the existing setbacks.
- This will make this porch a much more usable area.

Jason Saris asked for the dimensions of the existing porch. Mr. Eddy replied 6' x 24'. They would be adding 6' to the length of the cabin. Henry Caldwell asked if it faced toward Trout Lake. Mr. Eddy replied yes. Jason Saris stated 6' was not very wide. Mr. Eddy replied it makes it a more useable area.

Holly Dansbury asked if they were changing the setbacks much. Mr. Eddy replied, no approximately 1'.

Jason Saris asked if it would look similar to what exists. Mr. Eddy replied yes, but the roof line will change.

Lorrain Lefevre asked if it would continue to be a screened in porch or would they be adding windows. Mr. Eddy replied they did not intend to add windows at this time, but he does not know what they planned to do in the future. It is a 3 season cabin at this time. They will be insulating the new roof.

RESOLUTION

The Zoning Board of Appeals received an application from Murphy (V22-14) 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 benefit could not be achieved by other means feasible to the applicant besides an area variance. This is the only feasible way to increase the usable area of the porch.

There will be no undesirable change in the neighborhood character or to nearby properties. The structure will be in better shape than it is now.

The request is not substantial. They are only looking for 1'.

The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. There is an existing porch already, this is minor.

The alleged difficulty is not self-created. This is a non-conforming structure with a small porch.

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 Dan Sheridan and seconded by Lorraine Lefevre, 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.**

- 3. V22-15 Smith;** The applicant seeks an area variance to alter a preexisting, non-conforming structure per §200-67(b)(1)(b) related to the addition of a 20' x 20' deck off the rear of the existing structure. The applicant also seeks a variance for maximum percent of lot occupied; 50% existing, 55% requested, 40% required; relief requested 15%. Zoning District GB 5000. SBL 171.15-3-67. Location: 4970 Lake Shore Drive. Subject to APA, WCPS and LWRP Review.

This item was heard 2nd at the meeting.

Stuart Smith presented the following:

- He would like to add a 20 x 20 ft. deck off the back of the building mainly for cocktails, music and wood storage.
- It will have a separate entrance off the back of the lounge.
- It will not connect all the way through.

Holly Dansbury asked if it would be used for food. Mr. Smith stated no, it would basically be used for cocktails and firewood storage in the winter.

Jason Saris asked if it would be at the same level as the existing deck. Mr. Smith replied, yes. Jason Saris asked if everything would remain the same in the front. Mr. Smith replied, yes. Jason Saris asked if it would be covered. Mr. Smith replied, no.

RESOLUTION

The Zoning Board of Appeals received an application from Smith (V22-15) 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. As discussed, this is the only viable area to place this deck.

There will be no undesirable change in the neighborhood character or to nearby properties.

This is an improvement to the property.

The request is not substantial. It's a simple 20' x 20' deck.

The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The alleged difficulty is self-created. This is just adding square footage to the existing non-conforming building. This is the only place to go with it.

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 Henry Caldwell, 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. V22-17 Dirscherl;** The applicant seeks an area variance per §200-15 related to setbacks and to alter a preexisting, non-conforming structure per §200-67(b)(1)(b) related to a proposed two-story deck. The proposed deck will be located 22' from Stires Drive (front yard); 50' front yard setback required; 28' of relief is requested. The proposed deck will also be 27' from the adjacent side yard property line; 30' required;

3' of relief requested. Zoning District RCL 3. SBL 157.05-1-16. Location: 18 Rudy Lane. Subject to APA, WCPS and LWRP Review.

Bruce Weiss with Elite Builders presented the following:

- They are extending the existing deck 6' to make it more usable.
- The only thing they are doing on the upper deck is changing the railings.
- Stires Drive is actually their back yard. *Jason Saris explained that you could have 2 front yard setbacks.*
- Lagoon Manor has approved the deck.
- They will be using existing footings and the deck will cantilever out the 6'.

Holly Dansbury asked why they did not extend the deck on the other side. Mr. Weiss explained that this would create a larger setback infringement and they would need to add footers.

Holly Dansbury asked for the new deck size. Mr. Weiss replied approximately 6' x 18'

Correspondence:
2 letters from Lagoon Manor in favor of the project.

RESOLUTION

The Zoning Board of Appeals received an application from Dirscherl (V22-17) 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. This is just taking advantage of the existing deck and adding on to it.

There will be no undesirable change in the neighborhood character or to nearby properties. The request is not substantial.

The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The alleged difficulty is self-created. This is an 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 David Kneeshaw, 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.**

5. **V22-18 Sampson;** The applicant seeks an area variance per §200-15 related to setbacks and to alter a preexisting, non-conforming structure per §200-67(b)(1)(b) for the enclosure of a porch and extension of a deck. The proposed deck extension will situate the expanded deck 27' from Dula Place; 50' front yard setback required; 23' of relief is requested. The extended deck will terminate at the south wall of the existing structure; 20' side yard required; 3' proposed and existing from the current structure. Zoning District RM 1.3. SBL 157.05-1-16. Location: 7 Dula Place. Subject to APA, WCPS and LWRP Review.

Jim Sampson presented the following:

- This is lot 7 in Dula Place and they would like to enclose the screened porch with 5 windows to increase the livable space of the house.
- They will be extending the existing deck in the front of the house to gain some useful space.
- There will be no change to the existing footprint of the porch.
- The house will look substantially better with this low impact modification.

Lorraine Lefevre asked if their parking area would remain the same. Mr. Sampson replied yes.

Holly Dansbury asked if there was any other way to get more room without creating more of an impact. Mr. Sampson replied, no. Jason Saris stated that it did not seem like much of a change to the setbacks. He asked why they had not asked for a larger deck. Mr. Sampson said it was a small deck and if he could turn it into a 12' x 12' deck he would like to ask to modify the application to extend the deck an additional 6' with the steps being recessed into the deck. Jason Saris stated that it would not be any larger than the existing footprint and the encroachment on the setbacks would be the same, so it should not be an issue. Atty. Reichenbach explained the legalities of modifying the application. Mr. Sampson stated he was willing to take that chance and ask for the modification.

Holly Dansbury asked where the stairs would be located if they extended the deck. Mr. Sampson stated he would build them into the deck so that they did not extend any further than what was granted.

RESOLUTION

The Zoning Board of Appeals received an application from Sampson (V22-18) 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 benefit could not be achieved by other means feasible to the applicant besides an area variance. They are basically using the existing porch and adding the deck.

There will be no undesirable change in the neighborhood character or to nearby properties.

This will improve the look of the home.

The request is not substantial. This is just a 12' x 12' deck.

The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The alleged difficulty is self-created. This is just modifying the 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 Dan Sheridan, it is resolved that the ZBA does hereby approve the variance request as presented and modified. 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.**

- 6. V20-14 Henkel, Timothy and Allyson;** The applicant requests an extension from the Zoning Board of Appeals per §200-67 (c)(1), related to approvals from July 2020. The approvals were related to an area variance for setbacks and to alter a non-conforming structure (cabin and house) in accordance with §200-15 and §200-57 (B)(1)(b) respectively. SBL: 171.11-2-1. Zone RM1.3. Property Location: 21 Countess Loop.

Jason Saris explained that this was a variance that had already been granted but due to Covid, contractors, and lack of supplies they were not able to start the project.

RESOLUTION

Now, upon motion duly made by Dan Sheridan and seconded by Jim Senese, it is resolved that the ZBA does hereby grant the extension of V20-14 for a period of 1 year. **All in Favor. Motion Carried.**

The meeting was adjourned at 6:53 PM

Minutes respectfully submitted by Kate Persons