

**Town of Bolton**  
**ZONING BOARD OF APPEALS**  
**MINUTES**  
**Tuesday, November 15, 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, Jim Senese, Robert Kennedy, Dan Sheridan, Joy Barcome, Alternates - Lorraine Lefevre & Henry Caldwell Acting Planning & Zoning Director - Joshua Westfall, AICP & Town Counsel – Brian Reichenbach

**Absent:** David Kneeshaw

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 October 11, 2022 minutes.

**RESOLUTION:**

Motion by James Senese to approve the October 11, 2022 minutes as presented. Seconded by Joy Barcome. **All in Favor. Motion Carried.**

**New Business**

- 1. V22-26 Michael Pachucki.** The applicant seeks an area variance related to §200-57 of zoning code to alter a preexisting nonconforming structure. Addition will be to the rear of the property and will not increase nonconforming nature of single-family residence. The existing structure is 7.3' front the front of the parcel, 30' required. Zoning District GB5000. SBL 171.15-3-48. Location: 44 Norowal Road. Subject to APA, WCPS, SEQRA and LWRP Review.

Michael Pachucki stated that they would like to put a 20' x 24' two story addition on the back of their existing cabin. This will not be any wider than the existing cabin.

Jason Saris asked if the proposed addition would look like the existing cabin. Mr. Pachucki replied yes it would have the same log siding and the roof would be the same. Jason Saris asked if they had discussed their plans for the addition with their neighbors. Mr. Pachucki replied they had sent the drawings to the neighbors but have not received any response. Jason Saris inquired if they were part of an HOA. Mrs. Pachucki replied yes. Jason Saris asked if they had received HOA approvals. Mr. Pachucki replied not yet.

Lorrain Lefevé asked about any improvements to the property. Mr. Pachucki stated they would be removing the existing 8' x 8' shed and adding the new addition. Lorrain Lefevé asked if they would be demolishing the rock in the back for the addition. Mr. Pachucki stated they had already taken 5' of rock out for the addition and they need an additional 5' for drainage. Henry Caldwell asked if the additional rock removal would require blasting. Mr. Pachucki said no, they would use a track hoe and jack hammer. Henry Caldwell asked about the time of construction. Mr. Pachucki stated they had HOA limitations that stated no major construction from October 15 to May 15.

Henry Caldwell asked if they would be doing anything to the deck. Mr. Pachucki replied, no.

Lake George Waterkeeper, Chris Navitsky stated they did not have any opposition to the project, but they view this as an opportunity to implement stormwater management as the property is within 500' of the lake. Jason Saris asked if they had any plans for stormwater mitigation. Mr. Pachucki said they could have the architect add some stone stormwater trenches on both sides of the roof.

Robert Kennedy asked if there would be a basement. Mr. Pachucki replied that it would be a crawl space.

No County Impact

## **RESOLUTION**

The Zoning Board of Appeals received an application from Michael Pachucki (V22-26) 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: For the purposes that have been discussed.
  - 2) There will be no undesirable change in the neighborhood character or to nearby properties.
  - 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. They will be adding minor stormwater mitigations.
  - 5) The alleged difficulty is self-created. This is a preexisting, non-conforming structure.
- 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 James Senese and seconded by Daniel Sheridan, it is resolved that the ZBA does hereby approve the variance request as presented with the following condition: 1) A minor stormwater plan is to be submitted and approved by the acting Director of Planning & Zoning. 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. **V22-27 Doug Hoyt.** The applicant seeks two area variances related to §200-15 (setbacks) and §200-57 (modify preexisting, nonconforming structure) of code to construct an addition. The applicant seeks to add an addition on the front of the existing structure at 30' in an area between the existing garage and front deck, 50' front setback required, 20' of relief requested. The applicant seeks to build to the rear of the existing structure within 45' of the existing drainage swale, 75' required, 30' of relief requested. Zoning District RM1.3. SBL 200.18-1-33. Location: 15 Island View Loop. Subject to APA, WCPS, SEQRA and LWRP Review.

Henry Caldwell recused himself.

Douglas Hoyt presented the following:

- The existing home is not big enough to live in and they need downstairs living space to accommodate his 85 year old mother in law.
- They would like to slightly enlarge the structure and rearrange the interior to allow for better living space and more accessibility to the second story.
- This is where they would like to retire to in a few years.

Robert Kennedy asked how large the addition was. Mr. Hoyt detailed the plans and stated that they were only enlarging 2 of the 4 bedrooms and they would not be adding any bathrooms. He explained how they would be rearranging the interior floor plan.

Jason Saris stated that it looked like they would not be encroaching any further into the property setbacks with the expansion. Mr. Hoyt stated this was correct, and he said they were running a parallel line from where they were. He stated they had tried 3 different iterations, and this worked the best.

Jason Saris asked if they had any existing stormwater mitigations on the property. Mr. Hoyt detailed the existing stormwater of gutters and drain spouts that run into a swale and the drainage ditch. He stated they were willing to work with the town on upgrading their stormwater if needed as they want it to be a compliant property.

Correspondence:

- Letter of concerns from the following:
  - Eleanor Belive , WSA President
  - Paul & MaryAnn Muller

- Thomas Riche, Rush Island Improvement Association, Inc

Mr. Hoyt stated he did not understand the objections. He has made sure that there would be no possibility of any environmental endangerment on the property.

Jason Saris asked about the reference of conflict with the zoning code. Mr. Westfall stated that section of code was for expansion and not in conflict. Jason Saris asked about the substantial relief from drainage requirements comments. Mr. Westfall stated that he did not know what the letter was referencing as the town does not have any drainage requirements. Jason Saris stated that practical difficulty or hardship was not a standard that the Board used for an area variance. This used to be one of the balancing questions for a variance, but it was not something they were bound by or consider per state law.

Lake George Waterkeeper, Chris Navitsky stated said they were not opposed to this application but there is a perennial stream that flows here to the lake, and they would encourage stormwater management.

Mr. Hoyt stated there was an existing berm and they would not be doing any excavating for the project. They would be using footings under the proposed addition, and they are open to any suggestions for additional stormwater mitigations.

## **RESOLUTION**

The Zoning Board of Appeals received an application from Doug Hoyt (V22-27) 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 will alter the structure for better use without major renovations on the existing structure.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. They are just rearranging rooms to make it more convenient for the applicants.
- 3) The request is not substantial. They are adding to the existing structure.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- 5) The alleged difficulty is self-created. This is a preexisting, non-conforming structure that is making the stairway more accessible to the second story.

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 Robert Kennedy and seconded by James 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. Jim Senese opposed. **All in favor. Motion Carried.**

3. **V22-28 Mark Anderson.** The applicant seeks an area variance related to §200-15 (setbacks) and §200-57 (modify preexisting, nonconforming structure) of code to construct an addition. The applicant seeks to add the addition to the northern front yard and western side yard. Proposed setbacks are 20' front yard setback and 3.5' side yard setback; 23' front yard and 16.5' side yard exist. 50' front yard setback and 20' side yard setback is required. 30' front yard setback relief and 16.5' side yard setback relief is requested. Zoning District RM1.3. SBL 156.20-1-21. Location: 7 Cottage Lane. Subject to APA, WCPS, SEQRA and LWRP Review.

Mark Anderson presented the following:

- The existing variance they received a few months ago needs to be 3' wider in both directions as per a recommendation from their engineer.
- The only impact is to neighbor in the rear who they have spoken with, and they have no issue with the project.
- This will not impact the view or anything else.
- They are trying to utilize what little space they have.
- They will be reconfiguring the bathroom and making more room for their family.

Jason Saris asked for the new dimensions. Mr. Anderson replied they are requesting 13' x 9' as opposed to the 10' x 6' they were previously granted. They are not changing the height of the structure. They are not infringing on any property lines. The height of the structure will remain as is.

Lorraine Lefevre inquired about the stormwater management. Mr. Anderson stated they were adding gutters with drainpipes.

Henry Caldwell stated that he has concerns with emergency vehicles getting down into Pioneer Village.

Correspondence:

- Letter of concern from Chester Oliver, Board of Directors, Pioneer Village

No County Impact

## RESOLUTION

The Zoning Board of Appeals received an application from Mark Anderson (V22-28) 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.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: It is a pre-existing, non-conforming structure.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It will not affect the visuals of any other lot.
- 3) The request is not substantial. It is 13' x 9'.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- 5) The alleged difficulty is self-created. This is a preexisting, non-conforming structure. 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 Daniel Sheridan and seconded by Joy Barcome, it is resolved that the ZBA does hereby approve the variance request as presented with the following condition: 1) Gutters will be added to the new structure. 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 6:58 PM  
Minutes respectfully submitted by Kate Persons