

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, March 21, 2023
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, Acting Planning & Zoning Director - Joshua Westfall, AICP & Town Counsel – Brian Reichenbach

Absent: David Kneeshaw, Alternates - Lorraine Lefevé & Henry Caldwell

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 February 14, 2023 minutes.

RESOLUTION:

Motion by Joy Barcome to approve the February 14, 2023 minutes as presented. Seconded by James Senese. **All in Favor. Motion Carried.**

New Business

1. **V23-03 Ferguson.** Represented by Chris Gabriels. Applicant seeks an area variance from §200-15 related to the construction of a 10'x18' shed on 3 Oahu. Proposed Shoreline Setback will be 40'; 100' required; 60' of relief requested. Side yard setback will be 10'; 30' required; 20' of relief requested. Zoning District RR10. SBL 172.01-1-3. Location: 3 Oahu Island. Subject to APA, WCPS, SEQRA and LWRP Review.

Chris Gabriels presented the following:

- This building is to accommodate the storage of water sport equipment to keep it off the shore.
- The neighboring property is family-owned property.
- This location was chosen in this proximity to accommodate the water sport gear and was located in an area where it is naturally screened, and where no vegetation would need to be removed.
- If they made this more compliant it would defeat the intended purpose and there would need to be removal of vegetation.
- They have considered other options, but they would not be close enough to the waterfront and dock area which would defeat the purpose, and it would require vegetation to be removed.

- Other locations would also not be naturally screened like this location is.
- The rest of the island is naturally wooded with the exception of the septic area.

Jason Saris stated that he believes it is more aesthetically pleasing to have the items tucked away in the shed instead of laying on the shore and docks. Mr. Gabriels stated that the shed in the plans is not what they intend on using, the structure will be wood and will also be painted earth tone colors to match the house.

Jim Senese asked how tall the shed would be. Mr. Gabriels replied he would guess 12' to 14'. Jim Senese asked how well screened this building would be. Mr. Gabriels stated that they were very conscious of shielding the building from the lake. Jim Senese asked about the colors. Mr. Gabriels stated that they would be painting it to blend in. Jason Saris stated most people would use a garage for storage, but there is no need for a garage on an island.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Ferguson, (V23-03) 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. As described, they are in need of storage for water related equipment in somewhat proximity of the water.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. The location selected will be screened and painted to blend in. There will be no removal of vegetation needed in this area and it will be well screened.
- 3) The request is substantial. This is a small shed for storage.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. This appears to be the best area for the shed and will be screened with no vegetation to be removed.
- 5) The alleged difficulty is self-created. This will not have a significant impact on the shoreline.

As described in presentation, other areas would need tree removal and this area selected is already cleared and has natural screening to blend in.

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 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. **V23-04 Di Paola.** Represented by Cullen Fuller, Rucinski Hall Architecture. Applicant seeks an area variance from §200-15 and §200-57 related to an addition to an existing (non-conforming) single-family residence. The area variance request are as follows:
- Shoreline Setback: 75' Required; 69' 4" Existing; 58' 7" Proposed. 16' 5" Relief Requested.
 - Side Yard Setback: 20' Required; 16' 9" Proposed. 3' 3" Relief Requested.
 - Total Yard Setback: 40' Required; 38' Proposed. 2' Relief Requested.
 - Height: 35' Required; 36' 6" Existing; 36' 6" Proposed. 1' 6" Relief Requested (in line with existing roof)

Zoning District RM 1.3. SBL 200.18-1-1. Location: 4220 Lake Shore Drive. Subject to APA, WCPS, SEQRA and LWRP Review.

Cullen Fuller, of Rucinski Hall Architecture presented the following:

- The idea is to square off the structure to maintain some deck.
- They chose this side of the building for the addition mainly due to the fact that it is the most feasible area for the 2nd story addition.
- They are adding a little more space to the side yard setback.
- Most of the square footage is going straight up as far as living space goes.
- Much of the relief they are looking for is already pre-existing and non-conforming.
- The height variance is not going any higher than what exists.

Jason Saris said they are not really extending the front of the structure out any further, it is just because they are making the building longer and how the shoreline goes on that side that it gets closer to the shore at that end of the building.

Jason Saris asked if the expansion could be done on the other side of the building. Mr. Fuller stated that it would be very difficult to accommodate their needs elsewhere and either side would need a side yard variance as this is a pre-existing and non-conforming structure. This side is the more compliant of the two and works best with what they are trying to do. This is really the only option.

Jason Saris asked if he knew when the original home was built. Mr. Fuller stated he was not sure but he would guess the mid 80's. Jason Saris stated he would have thought they would have been required to get a height variance back then. Director of Planning & Zoning Josh Westfall stated he did not see one in the file.

Bob Kennedy said that it appears that the roof lines would be consistent with the existing structure. Mr. Fuller stated they are trying to keep everything as simple as possible and not ask for too much. He stated they will be adding more vegetation to the site.

Jason Saris asked if there are any existing stormwater devices on this structure presently. Mr. Fuller replied that there were not, and they are willing to add them to the project.

Chris Navitsky, Lake George Waterkeeper said that they had concerns with the lack of shoreline buffering's and the lack of stormwater management. There are alternatives and he did not see any planting plans. Mr. Fuller said they would certainly be open to stormwater mitigation. Josh Westfall stated that it should be a condition of approval that stormwater mitigations be a part of any approvals.

Bob Kennedy asked if the septic was up to date. Mr. Fuller stated it was currently up to date.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from DiPaola, (V23-04) 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. They do not have much of a choice due to the lot size and configuration.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. The extension isn't that much.
- 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. With the inclusion of stormwater mitigation, it will make it more compliant with today's regulations.
- 5) The alleged difficulty is self-created. This is a pre-existing, non-conforming structure and this is the most compliant area to place this extension. It is not practical to put it elsewhere. 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 Dan Sheridan and seconded by Joy Barcome, it is resolved that the ZBA does hereby approve the variance request as presented with the following

condition: A Stormwater Management plan is to be submitted and approved by the Director of Zoning and Planning. 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. **V23-05 Russo.** Represented by Curtis Dybas. Applicant seeks an area variance from §200-57 related adding a second floor on an existing garage allowing the reconfiguration of rooms in an existing single-family home. The existing garage is non-conforming due to the deficient front yard setback; required front yard 33'. No change in existing setback dimensions. Zoning District RM 1.3. SBL 171.07-2-45. Location: 3 Braley Lane. Subject to APA, WCPS, SEQRA and LWRP Review.

Curt Dybas presented the following:

- This structure was built in 2003 and they purchased it in 2013.
- In the past 10 years the children have grown up and they would like to eliminate 2 of the 4 second floor bedrooms turn one into a bathroom and laundry room and the other the mechanical room.
- They would like to put 2 small bedrooms above the existing garage.
- The existing garage is the non-conforming part of the project.
- The setbacks will remain the same.
- They would like to start the project this spring.

Jason Saris asked if they would need to upgrade the septic system by creating the extra 2 bedrooms. Mr. Dybas replied no, they are eliminating 2 bedrooms and adding 2 new bedrooms so it is a wash.

Joy Barcome asked if there would be any kitchen facilities in the addition. Mr. Dybas replied, no.

Jason Saris asked if they were building on the existing garage or demolishing it and rebuilding. Mr. Dybas stated they were going to build on to it.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Russo, (V23-05) 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. This is a pre-existing non-conforming garage.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It is a second story addition to an existing garage.
- 3) The request is substantial.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. They are utilizing an existing structure.
- 5) The alleged difficulty is self-created. This is a pre-existing, 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 Joy Barcome and seconded by Dan Sheridan, 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 6:38PM
Minutes respectfully submitted by Kate Persons