

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, April 11, 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, Alternate - Henry Caldwell
Acting Planning & Zoning Director - Joshua Westfall, AICP & Town Counsel – Mary Elizabeth Kissane

Absent: Dan Sheridan, David Kneeshaw, Joy Barcome & Alternate - Lorraine Lefevé

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 March 21, 2023 minutes.

RESOLUTION:

Motion by James Senese to approve the March 21, 2023 minutes as presented. Seconded by Robert Kennedy. Henry Caldwell abstained. **All others in Favor. Motion Carried.**

New Business

1. **V23-06 Boynton.** Represented by Dennis Austin. Applicant seeks an area variance related to §200-57 for the alteration of a nonconforming building, related enclosure of an area of the existing deck and construction of a screened deck area further east on another portion of the existing deck. The location of the construction will be in the side yard setback area where the current deck lies (as approved in variance application V14-43 (relief to allow 8’ side yard where 20’ is required). Zoning District RM1.3. SBL 200.18-1-43. Location: 4148 Lake Shore Drive. Subject to WCPS, SEQRA and LWRP Review.

Dennis Austin presented the following:

- They are taking an existing screened in porch and enclosing it to make an additional living area.
- They are not trying to expand the footprint, this is a pre-existing, non-conforming structure.
- They are carrying the existing roof straight out so they will not need to expand it past the existing footprint.
- This lot is a tight fit and they do not want to ask for more than already exists which is why they do not want to expand the footprint any more than necessary.

Jason Saris asked if they were tying it in to match the existing house. Mr. Austin replied yes.

Jim Senese asked about the height of the house. Mr. Austin explained that this expansion would be about 12' below the existing roof line.

Henry Caldwell stated he went to the site, and it looked like a pretty straight forward project.

No County Impact with comments.

RESOLUTION:

The Zoning Board of Appeals received an application from Boynton, (V23-06) 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 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.
- 5) The alleged difficulty is self-created. This is a pre-existing, non-conforming structure, but they are building on the existing footprint.

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 Jim Senese 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. **V23-07 Granger.** Represented by Curtis Dybas. 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:
 - Front Yard Setback: 50' Required; 19.2' Existing; 19' Proposed. 31' Relief Requested.

Additional proposed improvements include internal renovation and the addition of a second floor living space. Zoning District RM 1.3. SBL 186.18-1-29. Location: 29 The Back Road. Subject to APA, WCPS, SEQRA and LWRP Review.

Curtis Dybas presented the following:

- This is a year round pre-existing, non-conforming cottage that is in need of an update.
- The cottage is too small for their needs.
- There are wetlands in the back of the cottage, and he met with APA on the site, and they sent a jurisdiction letter.
- The second floor addition will be integrated into the existing roof.
- They would like to expand the porch by 5’.
- The expansion will match the house.
- The exterior will be the same as exists.
- The HOA has signed off on the project.

Jason Saris asked how much taller the addition would be. Mr. Dybas replied 4’.

Henry Caldwell asked if they had permits for the storage shed in the wetlands. Mr. Dybas replied, the homeowner had placed it there and he is not sure about permits.

Henry Caldwell asked if they were adding a bedroom. Mr. Dybas replied, no.

Jason Saris asked for the dimensions of the existing house. Mr. Dybas said he believes it is 28’ x 50’.

No County Impact

RESOLUTION:

The Zoning Board of Appeals received an application from Granger, (V23-07) 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. The addition is to a pre-existing, non-conforming structure and this was the only area without extending more than the 5’.

- 2) There will be no undesirable change in the neighborhood character or to nearby properties. This addition will not exceed the existing height and the porch is only extending an additional 5' in the front.
- 3) The request is not substantial. They are only expanding 5' in the front.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The APA was on site and had no concerns and the HOA supported the project.
- 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 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.**

3. **V23-08 Robin.** Represented by Tom Hutchins, Hutchins Engineering. 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 requests are as follows:
 - Front Yard Setback: 30' Required; 9.2' Existing; 7.6' Proposed. 22.4' Relief Requested.
 - Shoreline Setback: 50' Required; 38.3' Existing; 28'; 22' Relief Requested.
 Zoning District RCH5000. SBL 186.10-1-21. Location: 23 Sunrise Shores Loop. Subject to APA, WCPS, SEQRA and LWRP Review.

Tom Hutchins, of Hutchins Engineering presented the following:

- A similar variance was approved in 2016 and has since expired.
- In 2021 they received approvals from the Local Board of Health for an enhanced wastewater system.
- This is a small parcel with a number of inherent challenges.
- The profile of the structure is very low.
- They are trying to essentially maintain the existing footprint and maintain a low profile.
- He detailed the changes to the Board on the plans.
- He stated that they will be adding a basement to get more living space.
- The HOA has approved the new design.
- The new structure will have a minimal roof slope and low profile.
- The existing structure is in much need of repair.
- They are asking for shoreline relief due to the fact that the Association property runs between this property and the shoreline.

Henry Caldwell asked about blasting. Mr. Hutchins stated that they would need a bit. Henry Caldwell asked about the septic system. Mr. Hutchins stated they were built up and would not need blasting. It is an aerobic treatment and is pumped up away from the lake.

Jason Saris asked about the shoreline variance. Mr. Hutchins detailed it on the plans and explained that they were proposing 28' from the shoreline to deck. He explained that they were working with a pre-existing, non-conforming structure and they are limited because of the all the ledge on the site. This is the only location for this expansion because to the northwest it has a 15' rock ledge outcropping that they are trying to avoid.

Henry Caldwell asked when they would start the project. Mr. Granger stated they would like to start in the fall if possible.

Robert Kennedy asked if this would be a year-round home. Mr. Hutchins replied that it would be constructed for year-round use.

Robert Kennedy inquired about stormwater. Mr. Hutchins stated that they were incorporating infiltration and erosion controls to the site. Director of Planning & Zoning Josh Westfall asked that they submit the erosion control plans to the Planning Office.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Robin, (V23-08) 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. The property is on a ledge, and this is the only feasible area for expansion.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties.
- 3) The request is not substantial. This is generally in the existing footprint.
- 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 pre-existing, non-conforming structure and it will not have a significant impact on the shoreline.

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 Jim Senese and seconded by Robert Kennedy, it is resolved that the ZBA does hereby approve the variance request as presented with the following conditions:

1. Hours of construction will be limited to Monday through Friday 8:00AM to 5:00PM with no exterior work to be done on Saturday or Sunday.
2. Drilling and blasting will be limited to Monday through Friday 8:00AM to 5:00PM with no work to be done on Saturday or Sunday.

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. **V23-09 Miller.** Represented by David Smith. Applicant seeks an area variance from §200-15 and §200-57 related to an addition to an existing (non-conforming) structure. The applicant proposes to push out the deck area on southern corner of deck for seating space and expand the balcony above the current deck. Variances requested are as follows:

- Lot Coverage: 40% is allowed. 69% is Proposed. 28% Relief Requested
- Front Yard Setback: 30' Required; 2.4' Existing; 2.4' Proposed. 17.6' Relief Requested from NY 9N.
- Front Yard Setback: 30' Required; 6.3' Existing; 6.3' Proposed; 23.7' Relief Requested from Goodman Ave.
- Side Yard Setback: 20' Required; 6.1' Existing; 6.1' Proposed; 13.9' Relief Requested.

Zoning District GB5000. SBL- 171.19-1-84. Location: 4941 Lake Shore Drive. Subject to WCPS, SEQRA and LWRP Review.

David Smith presented the following:

- This is a two phased project.
- They would like to extend the lower deck and the upstairs balcony.

Jason Saris said they had received approvals for a bigger expansion in the past. Mr. Smith replied that they had, but they decided that it was more than they really needed, and it has since expired.

Henry Caldwell asked when the construction would take place. Mr. Smith replied ideally by Memorial Day weekend if approved. Henry Caldwell asked if he had any feedback from his neighbor to the south. Mr. Smith stated not yet, he is not back from Florida.

Jason Saris asked if it would be expanded further than the existing steps. Mr. Smith replied, no.

Robert Kennedy asked where they were expanding. Mr. Smith replied, the southeast corner and no further than the existing stairs. The upstairs balcony would be extended over the pre-existing lower deck is. They would extend the existing columns to support the balcony.

Jason Saris asked if they would be expanding the other side of the deck. Mr. Smith replied not at this time.

No County Impact

RESOLUTION:

The Zoning Board of Appeals received an application from Boynton, (V23-09) 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.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance. There is no other way to expand without an addition to the deck and balcony.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. This is a small project that will not impede the sidewalks.
- 3) The request is not substantial. It is a small deck addition and will enhance the business.
- 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 not substantial.

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.**

The meeting was adjourned at 6:42PM
Minutes respectfully submitted by Kate Persons