

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, August 15, 2017
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: Jason Saris, Carla Cumming, Joy Barcome, John Whitney, Holly Dansbury, Lorraine Lefevé, Jeff Anthony, Zoning Administrator Pamela Kenyon and Counsel Michael Muller

Absent:

The meeting was called to order at 6:00 pm.

Jason Saris asked if there were any corrections or changes to the July 18, 2017 minutes.

RESOLUTION:

Motion by Lorraine Lefevé to approve the July 18, 2017 minutes as presented. **Seconded by,** Carla Cumming. **All in Favor. Motion Carried.**

1. **V17-19 RENFROE, DAVID.** 1) To alter single family dwelling, specifically to raise the roof, increase the footprint and replace/add decks, seeks area variance for 1) deficient shoreline setback. 100' is required, 6' is proposed; and 2) to alter a non-conforming structure in accordance with Section 200-57B1b. 2) To relocate existing garage, seeks area variance for deficient setbacks. Front: 50' is required, 25' is proposed. Side: 30' is required, 26' is proposed. Section 122.16, Block 2, Lot 4, Zone RR10. Property Location: 137 Sherman Lake Road. Subject to WCPS and APA review.

David Renfroe presented the following:

- This property has been in his family for many years and was built by his great grandfather in 1934.
- The cottage has many safety concerns and major repairs are required.
- They want to jack up the camp and fix the foundation, add an addition and raise the roof 5'.
- Great care has been made to preserve the physical and architectural elements of the cottage.
- He has made sure that the view plane was preserved from all neighbors.
- The window patterns are the same.
- Respecting the history is very important to him.
- The decks are required for safety due to grade and dangerous terrain and the fact that there are family members with mobility concerns.

- They have redone the planting the planting bed in front of the cottage.
- The landscape buffer they have implemented here is a good way to hide the proposed deck
- They believe it is aesthetically appealing.
- The intent of the variance is to protect and preserve his family history.
- This will be keeping with the existing use.
- The second variance is for the garage, which is required for mobility concerns.
- The foundation of the existing garage is failing.
- The intent is to take the existing garage and move it into a cluster of 6 trees.
- This proposal will allow better vehicle access.
- He has considered other options by keeping it in the existing area, but it would require the removal of 5 trees, which he can do if the variance is not granted, but he does not want to.

Jason Saris asked if they planned on jacking the whole place up, why could they not move it to a more compliant location. Mr. Renfroe stated he is trying to respect the family history and he wants to keep the fireplace that his grandfather built, which is in the center of the cottage. He wants to preserve this. He is not here to relocate it, he is here to restore it.

Holly Dansbury inquired about the deck closest to the lake and the need for it as it encroaches further onto the lake. Mr. Renfroe showed a photo and stated there were two large trees in front of the camp that were removed last fall for safety. The roots are still there along with large rocks and the deck is strictly for safety and for a level topography. He thought of a stone walkway, but the deck seemed better as it would be above all the roots.

Jason Saris asked if there was anyplace else they could place the deck that would not further encroach on the shoreline setback. Mr. Renfroe stated the existing cottage was built 12' from the property line and the structure can't be moved. Jason Saris asked why he could not put the deck on another side to enjoy deck type activities. Mr. Renfroe stated the deck was for a means of access. He stated there was a deck on the east side to allow access into the building. The entire terrain slopes to the water. This is for safety concerns and his opinion is that the best way to address this is with a level deck. Holly Dansbury asked if it was being used as a walkway. Mr. Renfroe replied yes. John Whitney asked how they would access the front deck. Mr. Renfroe stated that on the east side there would be the deck that goes into the main entrance and it would have four risers going down toward the existing deck. On the west side, there are many rocks and he is not planning to do anything there. The new planting area was to hide any negative effects of the deck. Carla Cumming stated that she did walk the area and it was very difficult to navigate around the property and she could understand the need. Lorraine Lefevre stated it was a challenging piece of property to navigate and she could see that it would definitely improve the use of the property and the safety for his kids.

Holly Dansbury asked if the deck could be smaller than 6'. Mr. Renfroe stated he was flexible but this is needed for safety around the front of the property. Holly Dansbury agreed, but she is concerned with the APA as they send items back if it is not documented correctly. Jason Saris stated that it is important that Mr. Renfroe understands that he needs to demonstrate to

the APA through this Board as to why the deck needs to be this size and why a lesser size won't do. These questions need to be answered or it will be kicked back. Mr. Renfroe stated that he had expressed that this was a safety issue. Jason Saris asked why this dimension is what Mr. Renfroe feels is the minimum dimension to achieve the benefit he is looking for. John Whitney asked if it could be a free standing 4' wide x 24' long 96 sq. ft. non-structure which would not require a variance. Mr. Renfroe stated he will have to do this if this variance is not granted. He would like what he has requested but if it is not supportable he understands.

Jeff Anthony stated he had no problem with the garage, however if he separated the deck from the building and it was less than 100 sq. ft. he would not need a variance. He could also use a cedar mulch walk as an alternative option which would not require a variance for a deck. He explained that there are other options. They are not trying to design something for him but they are here to guide him.

Holly Dansbury said if he agreed to do something to not further encroach on the front yard setback, the question would be why he could not move the camp back. Mr. Renfroe stated it would be physically impossible to move the camp unless he was going to demolish it, and that is the last thing he wants to do. He wants to preserve the fireplace built by his grandfather and this camp has a lot of history for his family.

Holly Dansbury inquired about the garage. Mr. Renfroe stated that he wanted to move the garage as he would need to cut down a bunch of trees if it stays where it is and it would be much more disturbance to the land. The terrain is severe and this is the only area to place it. It would also be less of an impact to the neighbors. Lorraine Lefevre stated it would definitely be less disturbance to the land if the garage was placed in the new area.

John Whitney asked if there was any APA impact on the garage. Zoning Administrator, Pamela Kenyon replied no. John Whitney asked if they could do these two motions separately. Jason Saris replied yes.

Jason Saris asked if the APA would overturn the whole project if they don't like the deck or would they deny that aspect of it. Atty. Muller said it is hard to say what they would do, and he suggests John Whitney's approach. Deal with all the things that the APA is not involved in separately.

Jason Saris stated they could deal with the application in three approvals, putting the deck by itself. Mr. Renfroe stated he would like to do this.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from David Renfroe, (V17-19) 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:

This approval was for the garage only.

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 location will have the least disturbance and is a good location.

2) There will be no undesirable change in the neighborhood character or to nearby properties. This will enhance the neighborhood and keep with the character and history.

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 is the least destructive location.

5) The alleged difficulty is not self-created; This is a 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**, John Whitney it is resolved that the ZBA does hereby approve the garage variance request as presented with the condition that minor stormwater controls are implemented. **All in favor. Motion Carried.**

This next approval was for altering a non-conforming structure in accordance with Section 200-57B1b.

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: The east and west side deck are needed for the safe access to the house and is a very minor change to the existing structure.

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 non-conforming structure that they are adding to, but weighing all the factors he recommends approval.

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 John Whitney and **Seconded by**, Carla Cumming it is resolved that the ZBA does hereby approve the Camp alterations of the variance request as presented with the following conditions; 1) the deck on the front is not included in this approval. 2) Minor stormwater is to be implemented. **All in favor. Motion Carried.**

Mr. Renfroe withdrew the front deck portion of the application.

2. **V17-20 KLASS, CHARLES.** Represented by Max Klass. To alter single family dwelling, specifically to raise the structure 6' to allow for the construction of a first story garage below and relocate existing deck, seeks area variance for 1) deficient setbacks. Shoreline. 75' is required, 15' is proposed from the brook. Side 30' is required, 18' is proposed; and 2) to alter a non-conforming structure in accordance with Section 200-57B1b. Section 185.19, Block 1, lot 29, Zone RCL3. Property Location: 16 Nellie Lane. Subject to WCPS and APA review.

Max Klass presented the following:

- They are looking to modify an existing non-conforming structure.
- They are not looking to modify the existing footprint of the structure.
- They would like to place a garage underneath the building for additional parking by raising the existing structure 6' for safety reasons.
- This will allow parking within the structure and give them additional parking.
- The surrounding properties are adjacent to wetlands and they do not want to disturb any area that may affect them by adding a garage.
- They need to upgrade the existing foundation anyway.
- They are currently also requesting to move an existing deck from the one side of the house to the other for emergency egress reasons such as fire.
- This will place the deck outside the bedroom windows.
- This will also make the deck less visible from the lake.

Jason Saris asked if this would be used as a year round residence. Mr. Klass replied that it was and they were living there year round.

John Whitney asked if they were using the deck currently. Mr. Klass stated they were using it as the entrance. John Whitney asked if they would continue to use it after the changes. Mr. Klass said it would not remain the entrance. They would be using the garage to enter and they will do away with it.

Jason Saris asked if the deck would remain dimensionally the same. Mr. Klass replied yes.

Holly Dansbury asked if the new deck would be encroaching on the wetlands. Mr. Klass replied they would not, and this was only there viable option. Holly Dansbury asked if he could explain why they need to move the deck to this location. Mr. Klass stated they would be within the setback anywhere they placed the existing deck. The house was built before the code and APA regulations. This is the only viable option. Holly Dansbury asked if they could put the deck in an area where it would not encroach as much on the setbacks. Mr. Klass said they could, but it would not help them because they would only have one area for egress. Leaving the deck where it is would also make it more visible.

Lorraine Lefevre asked where the new entrance from the garage would be. Mr. Klass stated that it would come up in the area where the existing entrance is now, which is why they want to move the deck so they have two separate areas for egress.

Joy Barcome asked if moving the deck would put them closer to the deck. Mr. Klass stated it would and if they left the deck where it is, it would keep the exit in the same corner of the house for both exits. Moving the deck gave them an additional area to egress, especially if there was an emergency.

Lorraine Lefevre asked if the deck would be the same dimensions. Mr. Klass stated that they would not be increasing the deck in any size.

John Whitney stated that either way the deck was close to the water, the egress concerns are huge. Jason Saris stated that he liked the fact that they were not increasing the footprint. Joy Barcome stated that there were no neighbors that would have their view impeded.

Zoning Administrator, Pamela Kenyon stated that a portion of the property was in the flood zone, the house was not.

LG Waterkeeper, Chris Navitsky asked about the septic system and if it would be protected during construction. He also asked if this was the minimum variance necessary for egress from the structure.

Mr. Klass detailed the septic system and stated it was over 200' away from the house and would not be in the way of any construction.

Jason Saris asked for more information as to why the deck had to be in this area and not somewhere else and if this was the minimum size required to serve the purpose. Mr. Klass stated they would not be in compliant if they moved the deck anywhere else either. They did not look at making a smaller deck, just moving the existing deck to the other side of the house.

John Whitney stated that it appears to already be a very small deck at 8' wide. Mr. Klass stated that any smaller would not allow the deck to serve its purpose as a safe egress in case of fire etc. It is a small deck.

No County Impact with a stipulation.

RESOLUTION

The Zoning Board of Appeals received an application from Charles Klass, (V17-20) 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 with a stipulation;

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:

This approval is to raise the structure 6' to allow for the construction of a first story garage.

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 is a pre-existing non-conforming structure that will require a variance no matter what they do so it can't be achieved by any other means. It does not encroach on any more of the setbacks.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. They did a thorough job making sure this would not change the character of the neighborhood.
- 3) The request is not substantial. It is well within the requirements
- 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 that they are adding to.

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 John Whitney and **Seconded by**, Joy Barcome it is resolved that the ZBA does hereby approve the variance request to raise the structure to add a garage as presented. **All in favor. Motion Carried.**

The following approval is for the deck relocation only.

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: There are other means, but it would not be reasonable to construct a smaller deck as it would not make a safe means of egress in case of an emergency.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It is consistent with the structure and it is an advantage from the view from the lake to not be seen.
- 3) The request is not substantial. It is well within the same 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 that is not increasing its existing footprint.

The house is now two stories and the current egress would only allow for one area to exit the home in an emergency if the deck is not relocated. To move the deck to the other side would substantially increase the ability to exit the house in an emergency.

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 John Whitney and **Seconded by**, Lorraine Lefevé it is resolved that the ZBA does hereby approve the variance request to move the deck as presented in the variance request. **All in favor. Motion Carried.**

- 3. V17-21 BARLOW, MILO & IDA.** To alter single family dwelling, specifically to convert an open deck to an 11'6" x 18' screened-in porch, seek area variance for 1) a deficient side yard setback. 20' is required, 13' is proposed; and 2) to alter a non-conforming structure in accordance with Section 200-57B1b. Section 171.19, Block 1, lot 40, Zone RL3. Property Location: 8 Heritage Lane.

Milo Barlow presented the following:

- They bought the place last November and the water coming down has rotted out the screen door entering the kitchen.
- The roof would take care of this issue.
- This is on the back of the home and private.
- The screened in porch would be nice so they can sit outside without being pestered by the bugs.
- They are not changing the footprint at all.

Lorraine Lefevé asked how much of the deck would need to be replaced. Mr. Barlow replied a couple of boards and the entrance door area.

Jason Saris asked if there were any plans to add an additional deck later. Mr. Barlow replied no, no more decks.

RESOLUTION

The Zoning Board of Appeals received an application from Milo & Ida Barlow, (V17-21) 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, 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: They need a variance as the structure is non-conforming
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It will not be seen from the back of the house.
- 3) The request is not substantial. They are not requesting any additional square footage
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The roof should help with the water dispersal.
- 5) The alleged difficulty is not self-created; This is due to the way the house was constructed.

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 Lorraine Lefevé and **Seconded by**, John Whitney it is resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion Carried.**

4. **V17-22 SENESE, JAMES & ANN-MARIE.** Represented by Don Russell. To alter single family dwelling, specifically to add a 13'9" x 7' shed roof over existing entrance, seek area variance for 1) a deficient front yard setback. 30' is required, 26'11" is proposed; and 2) to alter a non-conforming structure in accordance with Section 200-57B1b. Section 171.15, Block 3, Lot 77, Zone GB5000. Property Location: 3 Congers Point Way. Subject to WCPS review.

This item was heard last at the applicant's request

Ann Marie Senese presented the following:

- Their front main entrance does not have any protection so the snow and rain comes right down directly in front of the doorway.
- This is making a very unsafe area for them to use.
- The roof was to be included in the original project plan and was omitted for some reason.

Jason Saris asked if this was the main entrance. Mrs. Senese replied it was.

Lorraine Lefevé asked if the roof would be in the same footprint as the existing deck. Mrs. Senese replied yes, it was the same footprint and would only cover the doorway.

Carla Cumming asked if they would be changing anything on the deck. Mrs. Senese replied that was correct.

Lorraine Lefevé inquired if there was an awning over it now. Mrs. Senese replied no, there was nothing there now.

No County Impact.

RESOLUTION

The Zoning Board of Appeals received an application from James & Ann Marie Senese, (V17-22) 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: This is the only way to make the entrance safer.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties.
- 3) The request is not substantial. It will sit over an existing part of the 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 not self-created; It is a matter of how the structure was built and being able to safely enter and exit the house.

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 John Whitney and **Seconded by**, Lorraine Lefevé it is resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion Carried.**

5. **V17-23 CONOVER, RONALD & KATHY.** Represented by Gary Hughes. To alter single family dwelling, specifically to remove existing stoop and add a 430-square foot wrap-around porch/stair, seek area variance for 1) a deficient front yard setback. 75' is required. 54' is proposed; and 2) to alter a non-conforming structure in accordance with Section 200-57B1b. Section 200.00, Block 1, Lot 11, Zone RM1.3 & LC25. Property Location: 4323 Lake Shore Drive. Subject to WCPS review.

Gary Hughes presented the following:

- They are looking to add a wraparound porch to the home.
- There was an existing porch back in the 1920's to the 1970's.
- They would like to recreate this porch as much as possible.

Jason Saris stated it looked very nice. Jeff Anthony stated it would be a charming addition to the house.

Jason Saris asked if the proposed porch would look like the original porch. Mr. Hughes replied yes.

Mr. Hughes read a letter in favor of the project from neighbor Madison Finley.

No County Impact.

RESOLUTION

The Zoning Board of Appeals received an application from Ronald & Kathy Conover, (V17-23) 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.

1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: This is the most feasible means to restore the house to its historical condition.

2) There will be no undesirable change in the neighborhood character or to nearby properties. This is an improvement to a very nice house.

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 not self-created; They did not remove the original porch, they wish to simply restore 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 Jeff Anthony and **Seconded by**, Holly Dansbury it is resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion Carried.**

6. **V17-24 KENNY, CHERYL.** Represented by Gary Hughes. To alter single family dwelling, seeks area variance to alter a non-conforming structure in accordance with Section 200-57B1b. Section 200.18, Block 1, Lot 51, Zone RM1.3 & LC45. Property Location: 75 Hemlock Point Road. Subject to WCPS review.

Gary Hughes presented the following:

- He detailed the plans and the survey map to the Board.

Holly Dansbury asked if this was only work to a non-conforming structure and there were no additional variances being requested. Zoning Administrator, Pamela Kenyon replied this was correct.

Jeff Anthony asked if the existing building was non-conforming due to the tiny slivers on the north and east sides of the lot and if all the additions meet the setbacks. Zoning Administrator, Pamela Kenyon replied this was correct, they all meet the setbacks and it was two very small portions.

Jason Saris asked if the work would be done in keeping with the look of the existing house. Mr. Hughes replied yes, and detailed this to the Board.

Mr. Hughes read a letter in support from the Hemlock Point Association.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Cheryl Kenny, (V17-24) 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 #6 of the agenda.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: They are working with a pre-existing non-conforming structure and this is the simplest way to do it.
 - 2) There will be no undesirable change in the neighborhood character or to nearby properties. It will fit in nicely with the neighborhood.
 - 3) The request is not substantial. They are only adding a small amount of square footage.
 - 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 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. **All in favor. Motion Carried.**

The meeting was adjourned at 7:16pm

Minutes respectfully submitted by Kate Persons