

**Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, July 18, 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: Jeff Anthony, Carla Cumming, John Whitney, Lorraine Lefevre, Zoning Administrator, Pamela Kenyon and Counsel Michael Muller

Absent: Holly Dansbury, Joy Barcome and Jason Saris

The meeting was called to order at 6:15pm.

Jeff Anthony filling in as Chairman of the Board, explained that the applicant would need all 4 members that were present to approve the application and they had the right to table the application at any time.

The minutes were deferred to the August meeting as there was not a full Board available to act on them.

- 1. V17-18 LARKIN, RICHARD.** For a proposed campground, seeks area variance for 1) to place a field office on the parcel prior to any construction being undertaken. See Section 200-47H3. 2) Section 200-47D9 requires that an expansion of existing facilities be considered as an original application. The applicant requests that he be allowed to return to the Board with specific detailed plans for a building in a reserved location without it being considered a new application. 3) Section 200-47E2d1 requires that streets be improved to not less than minimum town oil or stone road specifications. The applicant seeks to be not held to this standard. 4) Section 200-47E2d5 requires a thirty foot minimum width right-of-way. The applicant seeks to be not held accountable. Section 200-47E2d6 required a minimum roadway width of 20' – 16' is proposed. 5) Section 200-47E26 requires that an improved driveway shall be provided for each lot with a minimum width of 9 feet. The applicant proposes that improved driveways should not be required. Section 200-47E3c1&2 requires that parking spaces and driveways be constructed of an appropriate durable nonporous material adequate for the support of any load reasonably expected to be placed thereon and have a durable surface and be suitably graded to permit rapid surface drainage. The applicant proposes not to improve the driveways and parking areas. Section 184.02, Block 2, Lot 6.1 through 6.7 (parcels to be merged), Zone RR5. Property Location: 863 East Schroon River Road. Subject to PB, WCPS and APA review.

Richard Larkin asked the Zoning Administrator if the size of the map for an individual camp site being 20' to an inch was not a part of this hearing. Zoning Administrator, Pamela Kenyon stated that she had determined that it was fine to have one smaller size map and then one inset

map to the scale that was required for one particular site.

Richard Larkin, property owner and Zach Monroe of Winchip Engineering presented the following:

- The property was subdivided years ago.
- He is looking to turn this into a RV park.
- The APA says that the majority of these lots can be merged back into one.
- They will keep the lot on the other side of the road separate.
- This will be a 100 site campground on the east side of the Schroon River Road, which borders the Schroon River.
- He detailed the map and plans to the Board.
- Map 2 is detailed for the water, sewer and drainage.
- They would like to come back for a structure at a later date.
- He feels that this should be done in phases.
- Map 3 is the stormwater runoff plan.
- Map 4 is the leach field details.
- Map 5 is details of sewer lines and sizes of the tanks.
- Map 6 is the layout of the bath houses, they propose 2 on the site, one on the north and one on the south end.
- They are proposing approximately 50' x 70' sites, which is larger than most campgrounds.
- They are proposing 2 trees on each camp site and they will be getting guidance from the APA on this.
- There is a tree line on the south end of the property which will cut down on the noise from the fields to the neighbors.
- He believes the APA will consider this a no cut zone.
- The line of trailers proposed on the south side of the property will be mostly elder people to cut down on the noise to the neighbors.
- They will make every effort to make sure their neighbors are happy.

Lorraine Lefevre asked if the Town Engineer had approved all of the plans. Zoning Administrator, Pamela Kenyon stated he was reviewing them now and has not made any determinations.

John Whitney inquired if the variance was about the central area that was not on the plan. Mr. Larkin stated that if you do any expansion, you have to start with a whole new permit and he feels that it ought to be consider a phase. John Whitney stated that variances were not about phasing.

Jeff Anthony asked about the segmentation of the application. Atty. Muller stated that decision will need to be a question for the Planning Board. He does not believe he needs any variances for that nor would whatever he wants to develop there, impact on these variances. It certainly does impact on the overall plan which is part of the site plan process. He stated that he and the Zoning Administrator had discussed this with Mr. Larkin on several earlier occasions about the importance of not segmenting this project. Obviously, the applicant designs his plans and

makes his presentation as he feels appropriate, but this issue will have to be addressed when it gets to the Planning Board. Jeff Anthony stated, if these are variances are granted, it would tie the hands of the Planning Board's ability to make a segmentation decision. Atty. Muller stated this was correct, so before they do that, they can send the applicant to the Planning Board on that issue to find out what their feelings and recommendations are before giving the applicant any relief. Jeff Anthony stated that many of the issues here were the purview of the Planning Board and not necessarily this Board, with the exception of issuing variances. Atty. Muller agreed and stated that if the Board had any reluctance at all in terms of issuing variances at this early stage without the Planning Board's input, then they don't want to box them in. They can make a referral to the Planning Board.

John Whitney stated one of the things that was missing from the documents was the first criteria in granting a variance. He said this was a beautiful plan for an RV park by the river, but there were no documents telling the Board why they could not have a road that was 20' wide or a driveway that was 9' wide. Mr. Larkin stated that first of all a couple of years ago he gave the Town of Bolton a letter detailing all of his concerns with the code with regard to mobile home parks and campgrounds. He is just a lay person and his take on this is they made a mistake by including campgrounds and mobile home parks in the same language. If this was a mobile home park you would expect to pave the roads and have stormwater runoff plan. When it comes to campgrounds, his take is that they are totally different entities. He feels this is a good project that will be good for the community. He has come to understand that these are all driveways and some of this in regard to roads is a moot point.

John Whitney stated he understands that he disagrees with the code but he is looking for the property specific reasons why he can't comply with the code as opposed to him disagreeing with the code. This Board has to use a specific criterion in order to grant this variance. Mr. Larkin stated that it is his understanding that as driveways, some of these variance requests are not pertinent as such. As far as the phase 1 and 2 option, as Mr. Muller stated, he asked for as much information as possible in the beginning, but this is tremendous. John Whitney agreed stating it was huge and they understand that. Mr. Larkin said he could focus on building in the center of the property and be delayed another year or focus on what they have today and get the project started.

John Whitney stated that there is a distinction with laying out the plan and then having phased implementation versus having a black box in the middle that they don't actually know if a variance is required. Mr. Larkin stated he would like to put a log style structure there. Mr. Larkin stated that there was a barn that will have a delicatessen, office, open space area, utility room, laundry room and storage. Carla Cumming asked if he was leaving the existing house. Mr. Larkin replied that he was.

Mr. Larkin provided a photo for the proposed construction trailer. Carla Cumming asked about a trailer on the hill. Mr. Larkin stated it was his personal trailer that is sitting there and it is not used for anything. He did have a phone line brought to it. He stated that this is where they would like to place the construction trailer. John Whitney asked if would be a temporary structure. Mr. Larkin stated it would be removed once the project was completed. Lorraine Lefevre asked him what the timeline for this project would be. Mr. Larkin stated it would be a

guess but at least over 3 years upon approvals and he detailed the stages he planned on doing the project. Mr. Larkin stated that the office trailer was needed. John Whitney said they were not begrudging the trailer, they are concerned with the application being incomplete. Mr. Larkin stated it was a vehicle to move the project along. If a timeline was needed he could come up with one.

Carla Cumming asked if Mr. Larkin wants to put the office trailer in the spot that the existing trailer is now. Mr. Larkin stated that he would remove the existing trailer and place it elsewhere on the property. He believes he is entitled to storing a personal trailer on his property. Zoning Administrator, Pamela Kenyon stated that he can store the trailer as long as it is unused. John Whitney asked if having phone equipment installed in the trailer was considered vacant. Zoning Administrator, Pamela Kenyon said that she did not know until just now that phone equipment was installed. Mr. Larkin stated it was not installed, it was literally put through the window.

Lorraine Lefevre stated that she did not understand why the applicant feels that the town code does not apply to him and she does not see the logic in this. She stated they need specific reasons why it's impossible or why it is detrimental to his project to follow the code. Jeff Anthony stated they had to be shown reasonable alternatives for every variance they issue, and there has been no discussion to alternatives for all of these requested variances.

Zach Monroe stated that the road variances come from the need for 20' paved roads in an RV park which is excessive. No other RV park has this and it does not fit. They are proposing 16' gravel roads which would be more than adequate for an RV park. The soils on site are very sandy and well graded that are perfect for supporting travel trailers. They will be maintaining these surfaces, which over time, will become crushed stone. The intent is to leave them as natural as possible. They have done all of their stormwater calculations based as if they are impervious surfaces. They are treating all of the surfaces as though they are impervious, but they are essentially trying to construct them as if they are non-impervious to keep them as natural as possible.

Lorraine asked if this was an RV park only or if they would be including tents. Mr. Monroe stated that they would have some seasonal sites, but it would be primarily rentals. Tents were not their target, but if someone comes in with a tent, they will give them a spot.

Atty Muller read a letter of objection and concerns from Gerald and Michelle Hamilton.

Michelle Hamilton neighboring property owner, presented the following:

- They have lived on the East Schroon River Road for 44 years.
- There is a RV park to the north and south of them on East Schroon River Road.
- The traffic from these parks is horrendous.
- Mr. Larkin has a barn on the property he has never fixed and it is continuing to fall down.
- He has allowed 2 trailers to live there all year long, no matter what Mr. Larkin states.
- There are 4 trailers and a tent there now.

- The thought of a 100 site trailer park with substandard facilities, because as Mr. Larkin says he does not like the regulations is unacceptable to them.
- There is no reason to allow him to make substandard changes.
- She asked if the property is currently zoned as RR5, how many acres would be needed to have a structure.

Zoning Administrator, Pamela Kenyon stated that 5 acres is required for each building. Mrs. Hamilton asked if it is a campground would they still need 5 acres. Zoning Administrator, Pamela Kenyon stated they would not. Mrs. Hamilton asked if a campground was an approved use of this land. Zoning Administrator, Pamela Kenyon stated yes, through site plan review. It will have to go to the Planning Board and the APA for approval. Mrs. Hamilton asked if the neighbors would be notified when this was happening. Atty. Muller stated only if a public hearing is scheduled.

- She stated that she shudders to think what the noise would be from the campground, when the noise from the 4 trailers that already exist make is loud.

Cliff Sprague neighbor to the south.

- He does not see where the variances are warranted.
- How can the campers pass on a 16' road.
- If Mr. Larkin is not held liable, does that mean he will dumping it back into the Town Board's lap.

Zandy Gabriels

- The road ways have to be built to a minimum of town oil or stone specifications. He thought the town was trying get away from using oil. These regulations are 30+ years old and he would think that the town would be well advised to delete that standard as an environmental point of view. Zoning Administrator, Pamela Kenyon stated that Mr. Larkin had other options like stone. Mr. Gabriels stated he agreed, but it is too bad that the town allows the continued use of oil as a standard. Zoning Administrator, Pamela Kenyon stated that they are in the process of updating the zoning ordinance. Mr. Gabriels stated they have been updating it for 8 or 10 years.

Mr. Larkin stated the reality was that Susan Wilson sat in on the meetings with Atty. Muller and Zoning Administrator, Pamela Kenyon and he did not get the impression that they thought that his requests were without merit. Mrs. Wilson encouraged him to be patient with the fact that they are addressing the code and should have a resolution in a few months.

Mrs. Hamilton stated that if this was built on the other side of the hill in Bolton she believes that the applicant would be held to stricter standards. There are already 2 trailer parks on this road. Mr. Larkin should be held to the same standards as the rest of the town.

Jeff Anthony stated that this is a good size project and he believes that the Planning Board will have a lot of say about the construction elements in this project and he believes they should make a clear decision on whether they want to approve these variances and bind the Planning Board to them and Number 2 he has never seen a project approved by a Zoning Board of Appeals waive or vary a segmentation issue. Atty. Muller stated he had not seen this either.

Zoning Administrator, Pamela Kenyon stated it was not suggested that it be segmented, it was suggested that it be phased which are two totally different issues. She stated that she meant the construction part of it.

John Whitney stated that he has yet to hear a good reason to grant a variance. He does not believe they should bind the Planning Board and he also wanted to get a factual and complete plan. There seems to be a part of this plan that has not been put on the map. He would recommend that they not approve it, but rather ask the Planning Board to review it. Jeff Anthony asked if he was looking for a consideration of viable alternatives to these issues and then why these have to happen and be granted a variance. John Whitney replied yes.

Mr. Larkin asked if they could separate the variance requests out and talk about them individually, as in the office trailer in particular. Jeff Anthony stated that the office trailer is definitely an element of itself and has nothing to do with the final construction, design and engineering of the project and is merely a vehicle for planning and design. Atty. Muller replied that this was correct. They would need to discuss a length of time. Jeff Anthony asked what the normal time allowed would be. Zoning Administrator, Pamela Kenyon replied it was typically allowed through the whole-time span of the project.

John Whitney stated in his mind none of the variances should be approved as other issues raised about the existing trailers have been resolved. He believes there are a lot of loose ends here and he would not want to approve an office on top of what may already be a dwelling.

Mr. Larkin stated that with regard to the two trailers owned by his tenants, he can assure the Board that they fully understand what the time line is that they have been approved to use them. This being from the May 1, to November 1.

Lorraine Lefevre stated she feels uncomfortable approving an application that is so nebulous. She would suggest that Mr. Larkin table this application and coming back with reasons why he can't do what the code asks of him.

No County Impact

RESOLUTION

Now, upon motion duly made by John Whitney and **Seconded by**, Carla Cumming it is resolved that the ZBA does hereby recommend the following: 1) The application is to be sent to the Planning Board for an advisory opinion. 2) The application is to be complete when resubmitted to the ZBA and include a detailed assessment of the available alternatives for the requested variances. **All in favor. Motion Carried.**

Jeff Anthony explained that the Board has 5 measures it must meet when granting a variance. He explained that one of the measures is whether the applicant had considered alternatives and why they have discounted them. This must be a part of the record.

Jeff Anthony asked the Zoning Administrator to check with the APA and see if a practical difficulty determination would be required.

The meeting was adjourned at 7:15

Minutes respectfully submitted by Kate Persons