

**Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, March 17, 2015
6:30 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, Donald King, John Famosi, Matthew Slaughter, Holly Dansbury, Tom McGurl, John Whitney, Zoning Administrator, Pamela Kenyon and Counsel Michael Muller

Absent: Jason Saris & Michael Calautti

The meeting was called to order at 6:30 pm.

- 1) V14-49 LUDWIG, MICHAEL.** To allow an 18.10' x 10.8' storage building to remain in its present location, seeks area variance for deficient front yard setbacks. 50' is required. 48.7' is proposed from Thunderbird Road and 36.6' is proposed from Brereton Road. Section 213.13, Block 1, Lot 20, Zone RCM1.3. Property Location: 1 Thunderbird Road. Subject to WCPS review. This item was tabled at the December 2014 meeting at the applicant's request.

This application was the last item heard as the applicant did not show

Atty. Muller stated that in the initial stages of compliance issues, the allegation was that Mr. Ludwig was actively in pursuit of commercial activities on his property. He stated that Mr. Ludwig was assembling docks on his property and moving them to wherever they were to be placed. Atty. Muller stated Mr. Ludwig is no longer doing this and is in compliance with this issue now. He stated that Code Enforcement Officer, Mitzi Nittmann went to his property and measured a storage shed and found it to be 18.10' x 10.8' which makes it jurisdictional and it does not meet the setbacks. Atty. Muller stated that Mr. Ludwig explains that he needs this shed for storage and due to it being a corner lot it is difficult to meet all of the setbacks. Atty. Muller stated that the Board can either grant or table this application and give Mr. Ludwig one more notice that he must come and present this to the Board. He stated that the Board cannot deny the application in Mr. Ludwig's absence.

Tom McGurl asked if there was a spot on the site that the shed could be moved and made compliant. Zoning Administrator, Pamela Kenyon stated she did not know, she did not have that information at this time.

Don King asked what the setback was from the roadway. Atty. Muller stated 50' from Thunderbird Road. He also explained that he could also put three 10' x 10' sheds there without jurisdiction.

Holly Dansbury moved to table the application. Atty. Muller stated the Planning Office will give Mr. Ludwig notice by regular and certified mail.

RESOLUTION

Now, upon motion duly made by Holly Dansbury and seconded by Don King, it is resolved that the ZBA does hereby table the variance request as presented. **All in favor. Motion Carried.**

- 2) **V14-50 BOLTON LANDING MARINA, LLC.** Represented by Atty. Robert Sweeney. To alter non-conforming boat storage building to increase the storage capacity of an additional 56 boats, seeks area variance for 1) Height. 35' is allowed, 55' is proposed; 2) Front yard setback. 60' is required; 0' is proposed from right-of-way; 3) Building Length. 120' is allowed, 280' is proposed; and 4) To alter non-conforming structure in accordance with Section 200-57B(1)(b). Section 171.19, Block 2, Lot 3, Zone GB5000. Property Location: 4932 Lake Shore Drive. Subject to WCPS, APA, and LGPC review. See SPR14-27 associated with this project. The public hearing remains open from the December 2014 meeting.

This item was withdrawn at the applicant's request until further notice

- 3) **V15-01 KOLVEK, RICHARD.** Represented by Daniel Kolvek. To demolish and rebuild single family dwelling, seeks area variance for 1) Deficient setbacks. Front: 75' is required. 55' is proposed. Sides: 30' is required, 16.5' is proposed on the south side and 16' is proposed on the north side. Rear: 30' is required, 6' is proposed; 2) Lot coverage. 15% is allowed, 30% is proposed. Section 156.00, Block 2, Lot 92, Zone RCL3. Property Location: 5504 Lake Shore Drive. Subject to WCPS review.

Daniel Kolvek presented the following:

- They are looking to demolish and rebuild a 3 bedroom single family dwelling.
- The house was recently surveyed and he detailed his application packet to the Board.
- The proposed house will not be any closer to the sides or lower property lines.
- It will be approximately 5' closer to the road to allow for a stormwater basin at the bottom of the lot.
- Stormwater retention will be provided for the home where there had not previously been any.
- The proposed house that is approximately the same size as the pre-existing structure.
- The sewer system will be updated with a modern Elgin system.

Holly Dansbury asked if they are moving the new septic system further away from the lake than the present one. Mr. Kolvek replied yes.

Don King asked where they presently get their water from. Mr. Kolvek explained it came from another well on an adjoining property owned by the homeowner.

Atty. Muller read a letter in support the project from Symie Sermay and a letter from the Lake George Waterkeeper with his concerns.

Jeff Anthony asked the Lake George Waterkeeper to explain how the applicant could reduce the amount of driveway. Chris Navitsky detailed his thoughts to the Board about reducing the width of the driveway and the pull out area.

Matthew Slaughter asked the applicant if he was opposed to Mr. Navitsky's suggestions. Mr. Kolvek stated that it would not work for him.

Zoning Administrator, Pamela Kenyon stated that this area was not part of the lot coverage. Jeff Anthony asked if this would reduce the impervious cover. He stated that the pull off on 9N is not on the applicant's property but within a road right of way. Holly Dansbury stated the area was needed to safely return to Lakeshore Drive. Donald King stated that he thinks it is very minimal and the stormwater mitigation was an improvement to the site. He stated they had done a pretty good job within their confines along with improving the septic system.

RESOLUTION

The Zoning Board of Appeals received an application from Richard Kolvek, (V15-01) 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 Board makes the following conclusions of law:

The application of the applicant is as described in Item#3 of the agenda.

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance: This is an existing building being put in almost the original footprint. This structure could not be put anywhere else on the lot.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. This is a cosmetic improvement along with new septic and stormwater.
- 3) The request is not substantial; No, this house is essentially going back in the same footprint as the original house with improvements.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; This is an improvement to what is existing.
- 5) The alleged difficulty is not self-created; This is a pre-existing non-conforming building with no other alternatives.

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 Don King and seconded by Tom McGurl, it is resolved that the ZBA does hereby approve variance request as presented. **All in favor. Motion Carried.**

- 4) **V15-02 SMITH, EMILY.** Represented by Wayne Smith. To replace an existing 1,750 square foot boat shop with a new 1,500 square foot boat shop further from the lake, relocate fuel tank and add a 250 gallon propane tank, seeks area variance for 1) Deficient setbacks. Boat shop: Front: 30' is required, 4' is proposed on the south side. Sides: A total of 20' is required, 5' is proposed. Propane Tank: Sides: A total of 20' is required, 5' is proposed. Front: 30' is required, 22' is proposed; and 2) In accordance with Section 200-37B6 there shall be neither removal of vegetation nor any grading within 10' from the top of the slope of any stream bed or drainage way. 1' grading setback is proposed from the drainage way on the property to the south. Section 171.15, Block 3, Lot 18, Zone GB5000. Property Location: 5024 Lake Shore Drive. Known as Tow Boat US. Subject to WCPS review. See SPR15-01 associated with the project.

Zach Monroe of Winchip Engineering presented the following;

- The existing building has recently burned down.
- The previous building was over the mean high water mark of the lake.
- The new building is to be placed 50' back from the mean high water mark of the lake.
- This will make the lot more compliant.
- The lot is only 30' wide.
- The proposed building is 24' wide.
- The property line to the south is bordering town property.
- They will be moving the fuel tank and adding propane tanks.

Wayne Smith stated that the propane tank already exists on the property and they would be moving it further from the water.

Matt Slaughter asked the purpose of the 3 sheds. Mr. Monroe stated that it had been reduced to two, and one was to be used as an office and the other was for storage related to boat rentals. Matt Slaughter asked if they could be incorporated in the new building. He stated that these were non jurisdictional. Mr. Monroe stated that they had reduced the size of this building and it is necessary to have these sheds.

Tom McGurl stated that he thought it was a good idea and huge benefit to move the building back from the lake. He stated that the sheds helped reduce the building size and move it back from the lake.

Jeff Anthony asked if these sheds were considered structures. Atty. Muller stated they were non jurisdictional structures.

Wayne Smith stated that this will bring his property completely up to code.

Atty. Muller read a letter from Peter DiPalma in support of the project and a letter from Bartlett, Stewart, Pontiff & Rhodes for Agnes Nolan in opposition of the project. Atty. Muller also read a letter from Lake George Water Keeper making some suggestions to the Board for the project and requested that the Board table the application for more information.

John Shelley of Honda Loop stated his support for the project and stated that it would be an asset to the neighborhood. He said he believes there is a need for the concrete barriers for the fuel tanks. Wayne Smith stated that both tanks are under DEC jurisdiction and the barriers will be installed once the tanks are in place, per their regulations. He stated he was inspected last year and he is completely up to code.

Don King asked Jeff Anthony what the applicant was required to do to protect the neighboring property. Jeff Anthony stated that the law states that an applicant cannot discharge additional runoff from their property onto a neighbor's property in excess of what exists. He stated he did not see a stormwater report in this application so he did not know what the condition was going to be. He stated that he knows the neighboring property well and said it is a flat and meandering stream that is a wetland from Rte9 down to the lake and there could be potential effects. He stated that what is being proposed is more compliant and trying to make things better. He explained it was up to the Board to decide if they needed more information to move forward with this project. Zach Monroe stated that the proposed building is actually further away from the northern property line and closer to the South which is Town of Bolton property.

Tom McGurl stated if this was a brand new project he would have more concerns, but this is an existing property that is being improved. He stated that the applicant has made an effort to make this property better, and he could have rebuilt this building on the existing footprint without any approvals. He stated he did not see any reason to prolong this project. Zach Monroe stated the entire site was an impervious surface and they would be collecting water from the roof with a gutter into a dispersion trench on the north side of the building. John Whitney asked if this would bring additional water onto adjacent property. Zach Monroe replied that it would not and explained how they planned to take care of this issue.

John Whitney asked why the building could not be placed further away from the lake and move the parking down to the lake. Zach Monroe stated it would block the town sewer line. Mr. Smith stated he would lose a lot of his parking and access if they switched it around. He stated that he would now be able to do 75% of the boat work inside as opposed the 95% they had been doing outside with this new configuration.

John Whitney asked why there was no stormwater report. Mr. Smith stated that they were told that the lot was impervious and it was not needed, and he is incorporating stormwater in this project. He stated that it makes more sense to put the building where it is.

Don King asked if they were comfortable with the floor elevation of the new structure. Mr. Smith stated they are building it is 6" above the flood elevation and this is the level that his

engineers suggested. He stated it was not practical to make it any higher without changing the sloping on the site. Mr. Monroe stated that it is above the flood elevation.

RESOLUTION

The Zoning Board of Appeals received an application from Emily Smith, (V15-02) 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 Board makes the following conclusions of law:

The application of the applicant is as described in Item#4 of the agenda.

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance: The dimensions of the lot make it very difficult to place the buildings in a compliant nature. They have made many attempts to try and accomplish this, and this is the best possible area and the most feasible location.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. this will be an improvement from what is existing. The buildings will be further from the lake and up to code, along with stormwater mitigation.
- 3) The request is substantial; It is less than the previous structures.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; The lot is currently totally impervious and the primary building will be set back further from the lake. This will be a positive impact as to what is there presently.
- 5) The alleged difficulty is not self-created; The size and shape of the lot make it impossible to do anything else.

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 Famosi and seconded by Tom McGurl, it is resolved that the ZBA does hereby approve variance request as presented. **All in favor. Motion Carried.**

- 5) **V15-03 PRITCHARD, ADAM.** Represented by Devin Duval. To alter non-conforming single family dwelling, specifically to add an additional 2' to the deck, seeks area variance for 1) a deficient front yard setback. 50' is required, 40' is proposed; and 2) to alter a non-conforming structure in accordance with Section 200-57B(1)(b). Section 171.18, Block 1, Lot 9, Zone RL3. Property Location: 35 Sunrise

Lane off Potter Hill Road. See V14-41 approved November 2014 for previous approvals.

This item was heard at the end of the meeting as the applicant was not present at the time called.

Devin Duval presented the following:

- They originally had wanted to go 4' and decided to go with 2'.
- They have now decided they need 4'.
- There is no new impervious surface as it is a raised deck.
- It is unobtrusive.

Tom McGurl asked if they came for 2' and now they are looking for 4'. Mr. Duval stated correct. Tom McGurl asked what the approved sq. footage of the deck. Mr. Duval stated it is currently 10' x 56'.

Tom McGurl asked if they were sitting above someone else's home. Mr. Duval replied no.

RESOLUTION

The Zoning Board of Appeals received an application from Adam Pritchard, (V15-03) 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 Board makes the following conclusions of law:

The application of the applicant is as described in Item#5 of the agenda.

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance: Simply needs more deck space and this is the way to do it.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It is a very slight increase.
- 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; it seems reasonable.

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 Matt Slaughter and seconded by John Famosi, it is resolved that the ZBA does hereby approve variance request as presented. **All in favor. Motion Carried.**

- 6) **V15-04 CARUSO, MARTIN & JEANINE.** To alter non-conforming single family dwelling, specifically to demolish existing 30'x 18 1/2' deck and replace with a 30'x 14' deck/stairs and screen in area below deck to be replaced, seek area variance for 1) Deficient setbacks. Shoreline: 75' is required, 47' is proposed. Rear: 30' is required, 14' is proposed. Front: 50' is required, 45' is proposed; and 2) To alter non-conforming structure in accordance with Section 200-57B(1)(b). Section 157.05, Block 1, Lot 7, Zone RCL3. Property Location: 15 Rose Lane. Subject to WCPS and APA review.

Mr. & Mrs. Caruso presented the following:

- They presented handouts to the Board.
- They purchased the property one year ago.
- There is an existing 30' x 18.5' deck that is rotted and deemed unsafe.
- They have been advised by the engineer to replace the whole deck.
- They are asking to replace the middle deck with a 30' x 14' deck.
- This will be in better proportion with the home.
- This will be 4.5' further back from the lake than what already exists.
- They would like to screen this area in.
- It will be very difficult to see from the lake.

Tom McGurl asked if the railings would be vertical as opposed to horizontal. Mrs. Caruso replied yes.

Holly Dansbury asked for clarification of the existing deck. Mr. Caruso explained that it is moving closer to the house.

Matt Slaughter asked how high the deck was that came out. Mrs. Caruso detailed it on the plan and showed how high and wide it would be.

Don King asked if the patio would be closer to the lake than it was now. Mrs. Caruso replied no.

Atty. Muller read a letter from Home Town Sewer addressing the sewer system and the Lake George Waterkeeper recommending that the Board request an alternative design reducing the non-conforming decks.

Matt Slaughter stated that the applicants are extending a significant amount of the deck that does not exist.

RESOLUTION

The Zoning Board of Appeals received an application from Martin & Jeanine Caruso, (V15-04) 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 Board makes the following conclusions of law:

The application of the applicant is as described in Item#6 of the agenda.

1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance: The deck needs to be replaced due to the condition and this is a good way to do it.

2) There will be no undesirable change in the neighborhood character or to nearby properties. This should be an improvement and the front porch will be set further back from the lake and aesthetically more pleasing.

3) The request is fairly substantial; The proposed expansion will not increase the pre-existing non-compliance.

4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; This will not increase the impervious area and will be setting it back further from the lake.

5) The alleged difficulty is not self-created; This is a pre-existing non-conforming structure that is in need of repair due to its unsafe condition. The deck needed to be pulled back due to the unsafe terrain in the front area for the steps, which is a safety issue. This is less of an intrusion on the shoreline setback.

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 Famosi and seconded by Don King, it is resolved that the ZBA does hereby approve variance request as presented. **All in favor. Motion Carried.**

- 7) **V15-05 FELLEMA, ROBERT.** To alter non-conforming single family dwelling, specifically to add front entryway, cupola, enclose portion of existing porch and add a garage bay, seeks area variance for 1) deficient front yard setbacks. 50' is required, 1.46' is proposed on the west side and 38' is proposed on the east side; and 2) Lot coverage. 15% allowed, 17% proposed; and 3) To alter non-conforming structure in accordance with Section 200-57B(1)(b). Section 171.11, Block 1, Lot 38, Zone RM1.3. Property Location: 72 Woodland Ridge Road. Subject to WCPS review.

Robert Fellema presented the following:

- This is an extension of the garage and a new entryway.
- The porch and existing entryway are in need of repair.

Matt Slaughter stated he is concerned with the garage bay and asked if they had thought of any way to decrease the coverage in any way. Mr. Fellema stated that he needed additional storage and this was the only way for him to achieve this. He stated that there is no new driveway area being added to the site.

Holly Dansbury asked if he could leave the existing entryway to minimize the variance request. Mr. Fellema stated that due to interior construction this is the only way he could design it.

Tom McGurl asked if they were adding 75' sq. ft. between the side of the house and the front steps.

Jeff Anthony asked if he had talked to the architect about the garage addition going to the south and if he would be losing any more trees. Mr. Fellema stated the way it was now had less impact on the property and worked with the existing driveway. Jeff Anthony asked if they would need to put the fill in without a retaining wall. Mr. Fellema detailed it to the Board on the plans along with stormwater controls. Jeff Anthony stated it would have been nice to see a grade plan included in the application.

Don King asked if they had removed the trees in the picture. Mr. Fellema stated they had been removed by the previous owners. He stated that they have only owned the home a little over a year.

Jeff Anthony asked if this was minor stormwater. Zoning Administrator, Pamela Kenyon replied that it was.

Atty. Muller read a letter from the Lake George Waterkeeper with recommendations of requirements he would like to see the Board ask for from the applicant.

RESOLUTION

The Zoning Board of Appeals received an application from Robert Fellema, (V15-05) 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 Board makes the following conclusions of law:

The application of the applicant is as described in Item#7 of the agenda.

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance;
 - 2) There will be no undesirable change in the neighborhood character or to nearby properties. The parcel is isolated from the other neighbors and it is in character with the existing structure.
 - 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; Not physical but maybe a small aesthetic change due to the size of the garage.
 - 5) The alleged difficulty is self-created; There may have been other ways to modify the existing garage, but it is not significant.
- 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 Don King and seconded by Matt Slaughter, it is resolved that the ZBA does hereby approve variance request as presented with the following condition; 1) A minor stormwater plan with a topo map is to be submitted to the Zoning Administrator. **All in favor. Motion Carried.**

- 8) **V15-06 NIAZI, TARIQ.** Represented by Clyde LaForge. In accordance with Section 200-93 (other regulations applicable to Planned Unit Development), seeks area variance (PUD Amendment) to expand existing deck. Section 157.05, Block1, Lot 88.24, Zone PUD. Property Location: 13 Fox Run - Lagoon Manor. Subject to WCPS, ZBA, PB, APA and TB review. Subject to SEQR.

Atty. Muller explained to the Board that this application had to go through a series of steps to eventually land at the Town Board for a legislative amendment.

Brad LaForge presented the following:

- They would like to extend the existing deck by 10' x10'.
- The finished deck would be 20' x 20'.

Tom McGurl asked if this would encroach on the neighbor's deck. Mr. LaForge replied that it would not.

John Whitney asked if there would be stairs off this deck. Mr. LaForge replied not at this time. John Whitney stated the visual appearance will be very inconsistent and he is trying to understand the impact to the neighborhood.

Tom McGurl stated he did not see how this would not encroach into the neighbors. Mr. LaForge stated the applicant was willing to go to 18.6' x 20'. Tom McGurl stated that from a visual aspect this would be better. Jeff Anthony asked if his concern was for the deck not to extend past the neighbors wall. Tom McGurl stated that was correct.

Holly Dansbury asked if the deck would look like what exists at this time. Mr. LaForge replied yes.

Matt Slaughter wanted to know what the reason for allowing the variance was. Mr. LaForge stated that he needed area for seating on his deck so he could enjoy it. Clyde LaForge stated they needed it for his growing family.

Atty. Muller read a letter in support from the Lagoon Manor Homeowners Association.

Holly Dansbury asked if he was fine ending it at the existing wall. Mr. LaForge replied yes.

RESOLUTION

The Zoning Board of Appeals received an application from Tariq Niazi, (V15-06) 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:

Now, upon motion duly made by Holly Dansbury and seconded by John Famosi, it is resolved that the ZBA does hereby approve variance request as presented with the following condition; 1) The deck is not to extend beyond the existing neighbors wall. Don King recused himself.

All other in favor. Motion Carried.

- 9). V15-07 PSC HOLDINGS, INC.** Represented by Eugene Baker. To alter non-conforming single family dwelling/attached garage, specifically to demolish and rebuild the garage, add covered entry, deck and second floor addition, seek area variance for 1) Deficient front yard setback. Front: 75' is required, 25' is proposed; and 2) To alter non-conforming structure in accordance with Section 200-57B(1)(b). Section 156.00, Block 2, Lot 5, Zones RM1.3 & RL3. Property Location: 253 Federal Hill Road. Subject to WCPS review.

Eugene Baker presented the following:

- This project is to demo and replace the existing garage and shed with a 3 car garage.
- Add a covered porch and a deck on the rear of the structure.
- Level out the existing roof line in the back for additional head room.

Holly Dansbury asked about the stormwater and the septic. Mr. Baker depicted the well on the plan and showed the new retention basin to collect the driveway and house stormwater. He stated that there is an existing septic and they would be using that. They are only proposing a new stormwater retention area.

Tom McGurl asked about the changes they were asking for. Mr. Baker detailed the changes on the plans.

Jeff Anthony asked if they would be adding any bedrooms. Mr. Baker stated no.

Matt Slaughter asked where the front door was located. Mr. Baker stated the front door was on the side and that is why they wanted the covered porch.

Tom McGurl asked if the front yard setback was changing. Mr. Baker replied that it was not.

Mr. Baker stated it was a pre-existing non-conforming structure.

RESOLUTION

The Zoning Board of Appeals received an application from PSC Holdings, Inc., (V15-07) 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 Board makes the following conclusions of law:

The application of the applicant is as described in Item#9 of the agenda.

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance: This is a pre-existing setback.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It is an improvement to the neighborhood.
- 3) The request is not substantial; It is a minor change.
- 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; It is pre-existing setback.

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 Tom McGurl, it is resolved that the ZBA does hereby approve variance request as presented. **All in favor. Motion Carried.**

- 10). V15-08 ENGLISH, EDWARD.** Represented by Eugene Baker. To alter non-conforming single family dwelling, specifically to add a new kitchen, bathroom & entry addition, seeks area variance to alter non-conforming structure in accordance

with Section 200-57B(1)(b). Section 171.08, Block 1, Lot 12, Zone RCM1.3. Property Location: 18 Braley Point. Subject to WCPS and APA review.

Eugene Baker presented the following:

- The applicant is trying to reconfigure the entryway, add more square footage to the kitchen and another bathroom.

Tom McGurl asked how many sq. ft. the existing house was, and the amount of existing bathrooms. Mr. Baker stated the house was around 5,200 to 5,500 sq. ft. and that there were 3 bathrooms

Holly Dansbury asked where the new bathroom would be. Mr. Baker replied right next to the kitchen area.

Jeff Anthony asked if they would be adding bedrooms. Mr. Baker replied no.

Don King asked if the existing porch room would stay the same. Mr. Baker stated the existing roof would not be changed. He stated there would be 305 sq. ft. added to the back.

Tom McGurl asked if the carport, garage, two story guesthouse and future garage were all on the same property. Mr. Baker replied it was and he agreed that it was tight down there.

Atty. Muller read a certification letter from Dickinson Associates for the sewage system stating that it was up to code and working properly.

John Whitney asked if there was a use issue getting in and out of the home. Mr. Baker stated that the applicant was using the house more frequently and finding the kitchen is not compatible to this use. Jeff Anthony asked if they were trying to correct the interior circulation of the home so it would function correctly. Mr. Baker replied this was correct and detailed the problems.

RESOLUTION

The Zoning Board of Appeals received an application from Edward English, (V15-08) 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 Board makes the following conclusions of law:

The application of the applicant is as described in Item#10 of the agenda.

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance: The applicant needs a better flow into the house and this is the most practical location due to the remodeling of the kitchen. The entry is in the most practical area to negate completely relocating the kitchen in the house.
 - 2) There will be no undesirable change in the neighborhood character or to nearby properties. This is a very modest in physical change of the neighborhood.
 - 3) The request is not substantial; It is a slight change.
 - 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; They are not changing impervious surface or creating any more runoff to construct this structure.
 - 5) The alleged difficulty is self-created; The overall size of the addition is not going toward the lake and it is hidden in the corner from the lake side. The entrance is in the most practical spot due to the potential snow runoff from the roof of the 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 Don King and seconded by John Famosi, it is resolved that the ZBA does hereby approve variance request as presented. Tom McGurl opposed. **All others in favor. Motion Carried.**

11). V15-10 STRIEF, JEFFREY (Happy Jacks). Represented by Tenee Rehm Casaccio. To demolish existing retail space and replace with two retail stores and six apartments, seeks area variance for 1) Density. 55,000 square feet is required. 9,203 square feet is proposed; 2) Lot coverage. 40% is allowed. 50.6% is proposed; 3) Parking. 45 spaces required, Six 9'x 20' spaces are proposed; 4) Setbacks. Front: 30' is required, 0' is proposed from Lake Shore Drive and 2' is proposed from Stewart Avenue. Side: A total of 20' is required, 10' is proposed. Section 171.15, Block 2, Lots 42.1 & 42.2 (to be merged into one parcel), Zone GB5000. Property Location: 4963 Lake Shore Drive. Subject to WCPS review. Site Plan Review is required for a multi-family structure, commercial uses involving more than 3,500 square feet and signage but has not yet been applied for.

Tenee Casaccio presented the following;

- This is two parcels that would be merged together.
- This is to enlarge the two existing retail spaces and to create apartments above.
- They believe this is consistent with the neighborhood.
- This will bring more residential space to downtown.
- The basement is a rubble foundation.
- The main street existing overhang projects into the right of way and they will be correcting this with the rebuild.
- The proposal is to demolish the existing 2800 sq. ft. building and rebuild it further back from the street and pull back both sides.
- This will allow for the formation of a sidewalk.
- The new building will be 4200 sq. ft. measured to the overhangs.

- The setbacks will be improved although continue to be non-conforming.
- The lot coverage proposed is 50.6%.
- The stormwater will be addressed through Planning Board review.
- There is no parking at this time.
- They are proposing 1 parking space per unit for the 6 apartments.
- They are providing space for two screened dumpsters.
- They are proposing 3200 sq. ft. of retail space plus a full basement and 6 apartments above.
- The 6 apartments will be two bedroom one bath with a kitchenette.
- There will be 4 apartments on the second floor and two apartments on the third floor.
- The elevations will employ traditional materials.
- They are stepping the building back on one side so it appears to be two separate buildings.
- The overhang will help diminish the scale of the building.
- The overall height is below the 35' permitted by the ordinance.
- The entry to the retail space will continue to be on the corner.
- Along Stewart Avenue they propose to vary the height of the second floor cornice.
- The upper two level apartments will have roof top access and they are proposing small pergolas.

John Whitney asked for explanation of the pergolas. Mrs. Casaccio stated that they were to add a garden feel to the upper roof deck. John Whitney inquired if they would be sitting areas for the roof top apartments. Mrs. Casaccio replied yes.

Matt Slaughter inquired about snow removal of the pergolas. Mrs. Casaccio replied that the entire roof area was designed to hold the snow.

Tom McGurl stated this would be a nice match but his only hesitation is the third floor. He stated that it would move the town into third floor residences on Main Street. He stated removing the third floor would also lower the overall variance request for parking. Mrs. Casaccio stated that the third floor will not be perceived from the street and that is why they stepped it back.

John Whitney stated he was concerned about the potential noise from the outside seating from the third floor. He said other businesses had requested roof top seating and had been turned down for the potential noise. Mrs. Casaccio stated that you would not be able to get from the front to the back and she did not anticipate party central.

Tom McGurl asked if these apartments would be rentals. Mrs. Casaccio replied yes.

Matt Slaughter inquired about the color scheme. Mrs. Casaccio stated that what is depicted in the application is what they intend to use.

Ms. Casaccio stated the signage would be improved to.

Matt Slaughter asked if the step up to the building would be eliminated. Mrs. Casaccio replied yes.

Don King asked if there would be a permit required for the signage. Zoning Administrator Pamela Kenyon stated that only a certificate of compliance would be needed unless it was over 4 sq. ft.

Holly Dansbury asked what was in between the Bolton Beans diner and the building. Mrs. Casaccio stated that it would be an alleyway to access the retail space and service the door to the stairway to the apartments. She stated that it would also provide a buffer space for stormwater.

Matt Slaughter asked about the location of the basement access. Mrs. Casaccio stated it would be only accessible from the inside. She stated that delivery trucks would be able to pull in behind the building now.

Lake George Waterkeeper, Chris Navitsky read his letter to the Board and stated his thoughts for the need of alternative designs for more compliance and the need for stormwater implementations.

Don King asked if this project would be minor stormwater. Zoning Administrator, Pamela Kenyon stated that it would be minor.

John Whitney asked if they had considered using a green roof to gather some of the water. Mrs. Casaccio stated she had not. She stated she had a lot of experience with green roofs and they were a substantial expense that need a substantial amount of maintenance and add to the weight of the structure. She stated they would rather explore alternatives.

Dennis Murphy stated that he thinks Mrs. Casaccio plan has been very aesthetically pleasing and Mr. Strief's projects have been a benefit to the community. He stated he did have some concern with the third floor setting a precedent.

Mrs. Casaccio stated that a third floor was permitted by the current zoning ordinance.

RESOLUTION

The Zoning Board of Appeals received an application from Jeffrey Strief, (V15-10) 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 Board makes the following conclusions of law:

The application of the applicant is as described in Item#11 of the agenda.

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance:
- 2) There will be no undesirable change in the neighborhood character or to nearby properties.
- 3) The request is substantial; Due to the lot size and location this is what they have to work with.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; The building is well designed and visually appealing.
- 5) The alleged difficulty is self-created; The benefit outweighs the detriment of the neighborhood.

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 Tom McGurl and seconded by John Whitney, it is resolved that the ZBA does hereby approve variance request as presented with the following condition;

- 1) a minor stormwater plan is to be submitted to the Planning Board. Jeff Anthony recused himself. **All others in favor. Motion Carried.**

12) V15-09 CAPRI VILLAGE PROPERTIES, LLC. Represented by John Famosi. For a proposed lot line adjustment between those parcels designated as 213.13-1-51 & 213.13-1-52, seek area variance for 1) Deficient side yard setback. 15' is required, 3.2' is proposed. 2) Shore frontage. 350' is required, 226' is proposed; 3) Density. 29.1 acres is required, 3.79 acres is proposed. Variances pertain to parcel 213.13-1-52. Zone RCM1.3. Property Location: 3926 Lake Shore Drive. Subject to WCPS and APA review.

Atty. Matt Fuller of Myer and Fuller presented the following;

- They are looking to clean up the boundaries with a lot line adjustment.
- There is 396' between the two lots.
- They would like to take the existing boundary line and shift it to the south so the existing boathouse is completely on the northern parcel.
- The current boundary line cuts through the existing motel unit on the northern parcel and they would like to put it roughly in the middle.
- They are planning stormwater improvements on the southern parcel.

Don King asked if they would be going to the LGPC for the dock issues. Atty. Fuller replied that they would be.

Matt Fuller stated that the hardship is the existing setback and encroachment on the boathouse, which is an interesting title issue. He stated in terms of meeting the setbacks, by moving the

property line to the south they have a significant improvement by moving the setback to the south. It is not practical to move the building. He stated from a practical standpoint this is the best possible solution.

RESOLUTION

The Zoning Board of Appeals received an application from Capri Village LLC, (V14-49) 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 Board makes the following conclusions of law:

The application of the applicant is as described in Item#12 of the agenda.

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance: This is the most sensible and least difficult way to do this.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties.
- 3) The request is not substantial; For practical reasons this is an improvement.
- 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 are pre-existing lines.

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 Matt Slaughter and seconded by Tom McGurl, it is resolved that the ZBA does hereby approve variance request as presented. John Famosi recused himself. All others in favor. **Motion Carried.**

The meeting was adjourned at 9:38pm.

Minutes respectfully submitted by Kate Persons.