

**Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, November 15, 2016
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: Joy Barcome, Tom McGurl, Holly Dansbury, Lorraine Lefevé, Alternate Carla Cumming, Zoning Administrator Pamela Kenyon and Counsel Michael Muller

Absent: Jason Saris, Jeff Anthony & John Whitney

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

Jeff Anthony asked if there were any corrections or changes to the October 18, 2016 minutes.

RESOLUTION:

Motion by Joy Barcome to approve the October 18, 2016 minutes as presented. **Seconded by,** Lorraine Lefevé. **All in Favor. Motion Carried.**

Tom McGurl stated that the applicants had the option to table their applications if they chose to, as there were only 5 Board members present this evening.

1. **V16-43 JACOBS, SCOTT.** Represented by Jarrett Engineers. To allow a driveway to remain in its present location, seeks area variance for a deficient setback between infiltration devices and a water course. In accordance with Section 125-10A(3) of the stormwater regulations 100' is required. 19' is proposed from one stormwater control and 45' is proposed from the second one. Section 171.11, Block 1, Lot 47, Zone RM1.3. Property Location: 138 Horicon Avenue. Subject to WCPS review.

Tom Jarrett of Jarrett Engineers presented the following:

- They are here representing the stormwater design for a driveway that leads to a barn just above Finkle Brook.
- This stormwater design they prepared essentially includes two rain gardens at the lower end of the driveway on either side.
- They need a variance as they are near water courses.
- He detailed these on the plans.

Town Engineer, Tom Nace has signed off on this project.

Lorraine Lefevé asked about the driveway and what led up to this variance requirement. Zoning Administrator, Pamela Kenyon stated the driveway is now an impervious area that is greater than 1,000 sq. ft. which required a stormwater permit.

Mr. Jarrett stated the barn has been there for a very long time. This improved driveway to the barn is what lead to this need for a stormwater permit.

Lorraine Lefevre asked what material they would be using. Mr. Jarrett replied it was gravel, but in the eyes in of DEC and New York State, gravel is an impervious surface.

Holly Dansbury asked if they had looked for any other options to get to the barn. Mr. Jarrett stated that even if they pull the gravel out, some kind of stormwater management makes sense and is appropriate here.

Carla Cumming asked if this road was pre-existing. Scott Jacobs replied that there was a clear path already existing that led to the barn when they bought the property. Carla Cumming stated upon looking at the property, she feels this is the only way to get to the barn. Mr. Jacobs stated that this was the only path that was ever there.

Joy Barcome asked if they were just putting the driveway over the existing path to this barn. Mr. Jacobs replied that this was correct. Joy Barcome asked if there would be any negative change to the effect on Finkle Brook. Mr. Jarrett replied there was not, they would be making it much better.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Scott Jacobs, (V16-43) for an area variance as described above.

And, due to notice of the Public Hearing of the ZBA at which time the application was to be considered having been given and the application having been referred to the Warren County Planning Staff;

And, whereas the Warren County Planning Staff determined that there was no County impact; And, after reviewing the application and supporting documents of the same, and public comment being heard regarding the application; this Board makes the following findings of fact:

The application of the applicant is as described in Item#1 of the agenda.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: This was the only path to use, to go to the barn and the addition of stormwater management is a definite plus.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. This is an improvement.
- 3) The request is substantial. This is necessary.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The stormwater mitigation will make this unsubstantial.
- 5) The alleged difficulty is not self-created; This is a pre-existing condition.

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

2. **V16-41 ROBIN, MICHAEL.** Represented by D.L. Dickinson Associates. 1) To demolish and rebuild single family dwelling, seeks area variance for deficient setbacks. Front: 30' is required, 8.1' is proposed. Shoreline: 50' is required, 38' is proposed. 2) For the construction of retaining walls, seeks area variance for deficient setbacks. Front: 30' is required, 20' is proposed for the north wall. Side: 8' is required, 4' is proposed for the north wall. Shoreline: 50' is required, 28' is proposed for the east wall. Section 186.10, Block 1, Lot 21, Zone RCH5000. Property Location: 23 Sunrise Shores Loop. Subject to WCPS review.

Devin Dickinson of D.L. Dickinson Associates presented the following:

- This project is located in an approved development.
- They are looking to construct a more modern house in the same location to meet the current code.
- He detailed the plans to the Board.
- Currently the house is 9.2 ft. from the front setback and they are looking to go to 8.1 ft.
- They are requesting a front yard setback.
- The setback to the lake will be unchanged.
- They will need retaining walls for the new wastewater system which will require a variance.
- They are adding stormwater management provisions to the site, where none exists.
- This is a very small site that slopes down to the lake.
- They have added a small rain garden to trap some of the water and an added vegetative buffer.
- This is a HOA and they have an approval letter from them.
- The height and roof line will be the same.

Carla Cumming asked if the setback to the lake would be the same. Mr. Dickinson stated that the closest point is the corner of the deck and it will remain the same.

Holly Dansbury asked for the current and proposed square footage of the home. Mr. Dickinson stated he was not sure, but he believed it would increase a few hundred square feet.

Holly Dansbury asked about blasting. Mr. Dickinson stated the HOA did not want blasting, so it was not an option which the applicant understood and realized that they may need to make the home smaller if blasting was needed. Mr. Dickinson stated that realistically he may get 75% of the area he is looking for and he is confident they can fit the recreation room and the bathroom. The office may turn into a small utility storage room.

Holly Dansbury stated it seems much bigger than what exists. Mr. Dickinson stated it would definitely increase the living space, but it would not have a big visual impact the way it is laid out.

Holly Dansbury asked if the building would be any higher. Mr. Dickinson stated it would not.

Tom McGurl stated he was surprised that they received approvals from this Association.

Holly Dansbury asked if it was a year-round home. Mr. Dickinson stated it was not.

Holly Dansbury asked what the existing septic entailed and if they would be improving this. Mr. Dickinson replied it absolutely would.

Tom McGurl asked if they were asking for such a small change why could they not stay in the footprint. Mr. Dickinson replied that they were concerned about the investment of the project and the amount of overall living space especially if the basement space could not be fully utilized.

Lorraine Lefevre asked where they would be installing the new sewer system. Mr. Dickinson stated it was on the north side of the property, and he detailed this on the plans. Holly Dansbury asked what type of system they would be using. Mr. Dickinson stated they would like to use pure flow system, which will require approvals from the Town Board acting as the Local Board of Health and a sign off from Tom Nace.

Tom McGurl asked if they would know exactly where the retaining walls would be going. Mr. Dickinson stated he designed the system for the worst-case scenario. They will be trying to eliminate as much of the walls as they possibly can. Tom McGurl asked if they could give approvals on a "worse case" scenario. Atty. Muller stated it was not theoretical, it was the amount of relief the Board will be willing to grant and if it turns out they need less than what is approved it is acceptable.

Zoning Administrator, Pamela Kenyon stated the Local Board of Health would not act on this project until a variance was received from this Board.

No County Impact.

RESOLUTION

The Zoning Board of Appeals received an application from Robin Michael, (V16-41) for an area variance as described above.

And, due to notice of the Public Hearing of the ZBA at which time the application was to be considered having been given and the application having been referred to the Warren County Planning Staff;

And, whereas the Warren County Planning Staff determined that there was no County impact; And, after reviewing the application and supporting documents of the same, and public comment being heard regarding the application; this Board makes the following findings of fact:

The application of the applicant is as described in Item#2 of the agenda.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: They have significant site restrictions and are pretty much using an existing footprint.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It will be similar in size and height to what is already existing.
- 3) The request is not substantial. It is replacing an existing structure.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. They will be adding rain gardens and vegetative buffers which will be an improvement to what exists.
- 5) The alleged difficulty is not self-created; This is house is pre-existing and non-conforming. 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 Lorraine Lefevé, it is resolved that the ZBA does hereby approve the variance request as presented. **All in favor. Motion Carried.**

3. **V16-42 HAMILTON, GERALD.** Represented by Kasselmann Solar. To alter non-conforming barn, specifically to add a roof mounted solar array, seeks area variance for 1) a deficient front yard setback. 50' is required from the edge of the right-of-way for the Adirondack Northway, 14' 2" is proposed; and 2) to alter a nonconforming structure in accordance with Section 200-57B1b. Section 184.02, Block 2, Lot 17. Property Location: 826 E. Schroon River Road. Subject to WCPS review. See SPR16-33 associated with this project.

Steve Kasselmann of Kasselmann Solar presented the following:

- The solar panels are not visible from the road.
- These are U.S. made solar panels that are all black and will blend into the roof.

Tom McGurl asked how many panels they would be using. Mr. Kasselmann stated 22 panels that are 290 watts each. It is a 6.38 kw DC system and a 5.5 kw AC system. It is a smart system of microverters and he detailed this to the Board.

Joy Barcome asked if they could turn off the panels manually. Mr. Kasselmann stated that if there is a fire, when the disconnect is hit for the house, it kills the power at each solar panel.

Joy Barcome asked if there was a possible safety issue within the panel itself if there was a fire. Mr. Kasselmann stated not with a microverter and detailed how this would work.

Joy Barcome asked if they would be able to vent the roofs right through the panels in the event of a fire. Mr. Kasselmann stated that this is not the way they were trained to do this, but it would absolutely be possible.

No County Impact.

RESOLUTION

The Zoning Board of Appeals received an application from Gerald Hamilton, (V16-42) for an area variance as described above.

And, due to notice of the Public Hearing of the ZBA at which time the application was to be considered having been given and the application having been referred to the Warren County Planning Staff;

And, whereas the Warren County Planning Staff determined that there was no County impact;

And, after reviewing the application and supporting documents of the same, and public comment being heard regarding the application; this Board makes the following findings of fact:

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

1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: This was well thought out and where they need to be. They will be out of view.

2) There will be no undesirable change in the neighborhood character or to nearby properties. This will not be seen and does not change much to the view or neighborhood.

3) The request is not substantial. It is on the roof of an existing building.

4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. It is on a western facing roof and unseen from the road.

5) The alleged difficulty is self-created; This is a great environmental option to be placed on a pre-existing building.

The benefit to the applicant is not outweighed by the potential detriment to health, safety and welfare of the community.

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

The meeting was adjourned at 6:35 pm

Minutes respectfully submitted by Kate Persons