

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Monday, May 19, 2008

Present: Chairman Greg Smith, Kam Hoopes, Tony DePace, Meredith McComb, Jeff Anthony, Zoning Administrator Pamela Kenyon, Counsel Michael Muller.

Absent: William Pfau and Tom McGurl, Jr.

The meeting was called to order at 6:31 PM.

G. Smith asked if there were any corrections to the April 21, 2008 meeting.

1. M. McComb, with regard to Clairview Subdivision, page 4, 5th line, should read “She also claimed that in her opinion a cluster subdivision was not approved, only a major subdivision with a variance to transfer density.
2. Counsel referred to page 2, in the center of the page, under Paul Hummel, the sentence reads that the benefit to the applicant is not outweighed by the potential detriment of the health, safety and welfare of the community. He felt that this was large determination. M. McComb stated that this is part of the boiler plate resolution. Counsel stated that Councilmember Rehm asked Counsel to ask the ZBA what they mean by that statement. M. McComb stated that she has brought this same objection forward before, but has been told that the potential detriment to the health, safety and welfare to the community does not outweigh the benefit to the applicant. Counsel asked if they like the use of the sentence. M. McComb stated that she is not crazy about it, but it is the boiler plate that they use in every approval. J. Anthony explained that what the applicant receives from the approval is not outweighed by the possible detriment to health, safety and welfare of the community. The detriment is less than the benefit gained by the applicant. G. Smith stated that they have used this for years even when she was Supervisor. K. Hoopes stated that is a part of the balancing act they have to consider for each variance.

Motion by Jeff Anthony to accept the April 21, 2008 minutes as corrected. Seconded by Tony DePace. Kam Hoopes abstained. **All others in Favor. Motion carried.**

1) V08-16 GARY LAVOY. In accordance with Section 200-37B(4) (Shoreline Regulations), seeks area variance for 28 deeded or contractual access rights to Bayview Marina. 395 linear feet of shoreline is required, 160’ is proposed. Section 186.06, Block 1, Lot 1.1, Zone RCH5000. Property Location: 4762 Lake Shore Drive. Subject to WCPB review.

Gary LaVoy stated that he is proposing to change his marina rental docks to 28 deeded docks. He stated that this would not change much from their current approved use. He stated that he has 28 approved dock spaces by the Lake George Park Commission and he wants to convert those to the deeded dock spaces. He stated that each individual would be allowed to dock one boat and park one car on Bayview property. There would be no subdivision of the property and each transaction would be accomplished by an easement. He listed proposed changes as part of the

project as follows: 1) removal of cabins by the lake, 2) cease the public launch, 3) cease fuel sales and 4) cease tour boat operation. He stated that he has permits for both the tour boat and fuel sales and he would remove both from the marina permit. He stated that the project would have benefits to the community such as: 1) traffic reduction in a congested area by ceasing the public launch, 2) boat traffic reduction in Huddle Bay by ceasing the public launch, and 3) the density of the buildings near the shoreline which would be permanently reduced by removal of the cabins.

G. Smith stated that he read in the PB minutes of April 2008 that no overnight stays would be allowed on the boats and asked if there was power on the docks. Gary LaVoy stated yes, but he does not want overnight stays. K. Hoopes asked if the applicant was going to limit the spaces to 25 foot boats and less or is it first come, first serve. Gary LaVoy stated that it depends on what he gets, but on a practical matter he does not want bigger boats docked there. He stated that the docks would not handle anything bigger than what is there currently. He stated that he will grandfather a few of the larger boats that he currently has, but does not want to offer docking for larger boats to the general public. G. Smith asked how many he will keep for himself. Gary LaVoy replied two slips. J. Anthony asked if the docks were seasonal rentals or if they were for sale. Gary LaVoy replied that he is selling them. K. Hoopes asked if there will be an association to maintain the docks and parking lot. Gary LaVoy replied yes. K. Hoopes asked if these individuals can use their deeded parking space for winter storage. Gary LaVoy stated that was not their intention and does not feel that they would have the space to do that.

M. McComb stated that Molly Gallagher's map did not have slips on it. She stated that the LGPC approved the docks in the configuration that is on the maps. The permit is for up to 22 seasonal boat slips, up to 5 quick launches and 1 tour boat. She stated that she spoke to Roger Phinney who indicated that quick launches do not necessarily translate into boat slips. G. Smith indicated that Gary LaVoy has already stated that he is getting rid of the quick launch. Gary LaVoy stated that the information on the permit was incorrect, and that it is up to 22 boat slips for rental and 6 boat slips for the cabins. P. Kenyon read the permit information that the applicant provided with the application. M. McComb stated that land usually goes with lake access. K. Hoopes replied not in this case. M. McComb asked if their code has anything relating to "dockominiums". She stated that the only dockominiums that she is aware of are in Northwest Bay. She indicated that she spoke to Rick at Harris Bay who gave an overview of his procedure. He indicated that they have 26 acres of land up there and they do deed land to their dock space. She stated that she is concerned that they are using residential association figures to determine how many slips there are available for sale and the PB determined that the applicant was allowed 3 and now he is asking for an additional 25. She stated that although he runs a marina now, he cannot bring in a different use and just take part of the regulations into consideration in changing the use. G. Smith stated that the applicant is giving up a lot in order to change the use.

K. Hoopes suggested that they should base their discussion on the agenda and what the applicant is seeking which is an area variance for deficient shoreline. G. Smith stated that he was favorable to the application since the use of the area will remain the same but the applicant will be giving up a lot which will benefit the Town. M. McComb stated that is a very possible way to look at it, but she would like to consider the whole ramification of it. M. McComb stated that in Harris Bay they have a yacht club, they have directors for each dock and they have procedures set up and she asked the applicant how he anticipates the maintenance is to be handled. Gary

LaVoy replied that they will need to go to the Attorney General's office with an offering plan. Some of the things that would be included are what he has previously stated 1) no overnight stays at the docks, 2) one parking spot per dock slip, 3) fee for maintenance and 4) maximum size of 25 ft boat permitted. K. Hoopes stated that Bolton Landing Marina has tried this twice before and part of the approval from the Attorney General's office is that it had to be sold out to a certain percentage by a certain date or it fails. He stated that both times they came up short.

M. McComb stated that the Steves/Beaten easement (1982) for dock #1 was predicated on removing the building that protrudes over the property line. She stated that it was referred to as a storage shed in the description, but on the map it is labeled as a cottage. Gary LaVoy replied that it was a mistake and that it is only a storage shed. He continued that he thought that the building was to be moved, not removed. He also indicated that this occurred before his time, and if this needs to be a stipulation he would be happy to move the shed. K. Hoopes asked why M. McComb was bringing up a document that was 26 years old. M. McComb stated that the easement does not seem to permit docking on it and it is just to maintain the pipes and gas pump on that dock. She stated that she does not feel that they should grant the applicant the right to sell access to someone else's waterfront. K. Hoopes stated that the only one who can grant him the right to sell anything would be the Attorney General. He continued that they are only allowing him to proceed with his plan on 160 ft of shoreline instead of the required 395ft.

T. DePace asked if he has been renting dock space on that dock and for how long. Gary LaVoy replied yes since he has owned it. M. McComb stated that according to Molly Gallagher you may not berth boats on docks located on a property line. G. Smith stated that from the minutes of the PB Molly Gallagher grants her approval as long as the applicant is not expanding the marina. Gary LaVoy indicated that he also has an easement for 32 feet beyond dock #1, which includes another dock, but he does not intend to do anything with it. M. McComb asked the applicant to describe the easement. K. Hoopes stated that he was curious as to the thought process behind determining necessary lake front. Counsel stated that there is a section in the code that requires it, but he is unsure of the policy. M. McComb asked what code they were discussing. Counsel replied that it was contractual access to shoreline 200-37(B) 4. M. McComb asked if anyone can apply to change their docks into this type of use and what impact does it have. Counsel read the section. He stated that they have dealt with this section before with applications such as the Mayfair, Bluebird and Trout Lake. However the main difference is that the examples given were for actual parcels of land or deed ownership of non-shoreline properties. Counsel stated that it is fair comment to undertaking concerns about dockominiums but the applicant is seeking a variance to grant additional contractual access above and beyond the minimum shoreline frontages that the applicant is regulated by in his zoning district.

M. McComb asked if this will affect the assessed value because of the lakefront. Counsel stated that what is proposed cannot be done on other parcels unless a variance is granted. He stated that they are deciding whether or not the applicant is allowed to break the code for a valid reason. No one can be charged a higher assessment because the applicant succeeds here tonight and others may try the same. M. McComb stated that the PB determined that the applicant has the right to 3 contractual accesses and he is asking for an additional 25 rights. K. Hoopes corrected her and stated that they are approving the area variance for deficient shoreline. Counsel agreed. K. Hoopes stated that this is a new application and they have to look at as new and not compare it to what happened at the PB. He stated that it is their objective to determine if the applicant's

project can be done comfortably, legally, safely for the entire community on 160 ft of shoreline. He stated that the marina has already been doing the same on shoreline for quite some time.

G. Smith asked if any public in attendance wished to speak. Kathy Bozony, Lake George Waterkeeper, shared the two permits that the applicant has with the LGPC 1) Bayview's Class A Marina Permit which shows the 22 boat slips and 2) Beaten's Class A Marina Permit from 2005 which shows the easement. G. Smith stated that the second permit was not necessary since he was not intending to use these slips in this proposal. Kathy Bozony commented that under the SEQR process the project cannot be segmented and she wants to make sure that the project does not have any hidden agendas. She asked if the boat ramp would be removed. Gary LaVoy replied no because the dock space owners will want to launch their boats, but he will not be allowing the ramp for public use. Kathy Bozony asked if this project will require a new permit from the LGPC or will the permit no longer be in use once the use changes. K. Hoopes stated that it will depend on how many slips he can sell and if he meets the minimum requirement as per the Attorney General's office.

M. McComb asked if there are any restroom or shower facilities available to the boaters. Gary LaVoy replied yes. M. McComb asked how the septic was handled for these facilities. Gary LaVoy explained the septic system for these facilities.

Jeff Beaten stated for the record that the applicant's first dock, which has the gas pump, is half on their property. He asked which two dock spaces the applicant intended to keep for himself. Gary LaVoy stated that he had not decided as of yet, but will if necessary. Jeff Beaten asked if the dock that has the easement is included in the 160 feet. Gary LaVoy replied no.

G. Smith stated that the Board only has 5 members present and the applicant will need 4 yeses in order for the variance to be granted. K. Hoopes stated that he could table the application until more Board members were present. Gary LaVoy asked what the consequences would be if he were not approved. Counsel explained the applicant's options. Gary LaVoy replied that he would go forward with the vote.

RESOLUTION

The Zoning Board of Appeals received an application from Gary LaVoy (V08-16) 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 Board;

And, whereas the Warren County Planning Board 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.

The Board makes the following conclusions of law:

1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance; because it is a dimensional consideration 160 feet proposed versus 395 feet necessary

2) There will be no undesirable change in the neighborhood character or to nearby properties, the property use will remain essentially the same and will reflect improvements for all the reasons the applicant has given.

3) The request is substantial in a numerical sense, but considering the intent of the regulation that has been quoted, it is not substantial in anyway;

4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; nothing has been raised and nothing will change the environment of this operation,

5) The alleged difficulty is not self-created, the docks are there and they are being used for the same purpose with a change in how the applicant is doing their business.

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 Kam Hoopes and seconded by Tony DePace, it is resolved that the ZBA does hereby approve the variance request as presented with the following condition(s):

1) the shed and ice storage chest on the north side of the property is to be moved off the neighbors' property line. Meredith McComb opposed. **All others in Favor. Motion Carried.**

2) V08-22 RUSSELL, LESLIE. Represented by Donald Russell. For the construction of a proposed 62' x 42' 11" garage with storage/workspace, seeks area variance for 1) a deficient front yard setback. 75' is required, 47' is proposed from the edge of the right-of-way; and 2) A three bay garage is allowed; 4 bays are proposed. Section 171.14, Block 1, Lot 2, Zone RL3. Property Location: 398 Potter Hill Road. Note: This application is an amendment to V08-07 is in conjunction with SPR08-05 for an accessory structure greater than 1,500 square of floor space.

Don Russell stated that he has returned with a new application with a larger design. He stated that the setbacks are the same and he has to move the building a little to the north to fit. G. Smith asked what the fill was on the site and if the building was going to fit there. Don Russell replied that he has brought in some fill over the winter and he has staked out site. M. McComb asked if the applicant is allowed to put fill in to even off the land. Don Russell stated that there may be a section where he has to go for a deeper frost wall and will probably have more foundation exposed in the back.

M. McComb stated that she is concerned that the silt fence is up in the air instead of the edge buried in the ground. Don Russell stated that he had his son install the silt fence and he has not been physically able to do it himself but he intends to remedy that as soon as possible. He stated that he also has wood chips that he will spread around the area for erosion control. M. McComb stated that she would like to see that correct installation of the silt fence be added to the project.

M. McComb asked if there will be any plumbing to the garage. Don Russell replied no and he plans only to install a compost toilet.

RESOLUTION

The Zoning Board of Appeals received an application from Leslie Russell (V08-22) 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 Board;

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.

The Board makes the following conclusions of law:

- 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, for the previous plan and the current plan
- 3) The request is not substantial; from the previous variance
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; especially when the silt fence is installed properly,
- 5) The alleged difficulty is not self-created,

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 Kam Hoopes and seconded by Meredith McComb, it is resolved that the ZBA does hereby approve the amended variance request as presented with the following condition(s): 1) The silt fence is to be properly installed.

All in Favor. Motion Carried.

3) V08-20 TOREBKA, THOMAS. Represented by Kevin Kershaw. For the construction of a proposed 32' x 32' garage with storage, seeks area variance for a deficient front yard setback. 75' is required from the edge of the right-of-way, 60' is proposed. Section 139.00, Block 1, Lot 56, Zone RL3. Property Location: 672 Valley Woods Road. Subject to WCPB review.

Kevin Kershaw explained the applicant's proposal. He stated that the garage will have two bays with a workshop upstairs. M. McComb thanked the applicant for staking out the project site. She stated that it made it easy to evaluate, what appears to be, a minor project. K. Hoopes stated that although there are other feasible places on the property to put the garage, he could not imagine any other place that would look better. M. McComb asked if the applicant's thought of attaching the garage to the house because it could mean a shorter driveway and be even more convenient to the applicant. Kevin Kershaw replied that they looked at that option but upon

investigation found that their septic tank is located there. G. Smith asked if the garage would use the same materials to match the house. Kevin Kershaw replied yes.

RESOLUTION

The Zoning Board of Appeals received an application from Thomas Torebka (V08-20) 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 Board;

And, whereas the Warren County Planning Board 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.

The Board makes the following conclusions of law:

1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance; because of the location of the road on each side and a stream on the back of the property.

2) There will be no undesirable change in the neighborhood character or to nearby properties, it is a modest garage on a relatively large lot,

3) The request is not substantial; for the same reason stated above,

4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; in choosing this location for the garage the applicant is taking into account the location of the stream and septic system,

5) The alleged difficulty is self-created, but any other location further to the interior to the property would increase the driveway and impervious surface and would not be of any benefit.

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 Meredith McComb and seconded by Jeff Anthony, it is resolved that the ZBA does hereby approve the variance request as presented. **All in Favor. Motion Carried.**

4) V08-17 NICHOLSON, CRAIG. For the construction of a proposed 54' x 26' single-family dwelling, seeks area variance for deficient setbacks. 1) front: 50' is required, a) 14.5' is proposed from the edge of the right-of-way for Millstone Drive and b) 48' is proposed from Three Oaks Road; and 2) side: 30' is required, 17.5' is proposed. Section 185.20, Block 1, Lot 25, Zone

RCL3. Property location: Three Oaks Drive. Subject to WCPB review. This variance was previously approved on April 18, 2005 under V05-06 but never acted upon.

Craig Nicholson stated that since he received the variance in 2005 he misunderstood the procedure and has only been renewing the building permit which is good until April 10, 2009. He is requesting for the variance to be acted upon. He stated that nothing has changed but there is a mistake on the agenda because he is not looking for the 48' set back from Three Oaks Road. He stated that the overhang is 1 foot and outside of the front door there is a slab which is not part of the structure and therefore meets the necessary set back.

M. McComb stated that the home is three bedrooms but the engineering considerations on the map show calculations for two bedrooms. Craig Nicholson stated that he did not catch that, but he has not changed the floor plan in any way. P. Kenyon stated that she has a septic permit that was issued in 2005 for three bedrooms.

Dennis Murphy stated that the last time this application was brought before the Board there was an overwhelming written response against the project. However it seems to be a different situation this time since no one from Three Oaks or Mill Stone are there to voice their opposition. He stated that there is a stormwater and septic problem on this site. Most of the individuals in Three Oaks have put their wells in after the homes were built and most are in violation of the setback to the septic system. M. McComb asked if there was a pump house by Trout Lake and a chlorination system as well. Craig Nicholson replied that was for Mill Stone and Three Oaks gets their water from up the hill. Dennis Murphy stated that they too use Trout Lake water.

M. McComb stated that she is concerned that it is a larger home than what is currently in that area. Craig Nicholson stated that the house across the street is 2 feet wider and is 44 feet long and that other homes in the area are comparable.

RESOLUTION

The Zoning Board of Appeals received an application from Craig Nicholson (V08-17) 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 Board;

And, whereas the Warren County Planning Board 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.

The Board makes the following conclusions of law:

- 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 not substantial;
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; there has been no proof that any impacts on the environment that have taken place over the time,
- 5) The alleged difficulty is not self-created,

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 Kam Hoopes and seconded by Tony DePace, it is resolved that the ZBA does hereby approve the renewal variance request as presented. **All in Favor. Motion Carried.**

5) V08-19 CANOE ISLAND LODGE. Represented by Tom Burhoe. To alter a pre-existing non-conforming motel building, specifically to construct a set of stairs, seeks area variance for 1) a deficient shoreline setback. 75' is required from the mean high water mark, 30' is proposed; and 2) to alter a pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 213.17, Block 1, Lot 2, Zone RCM1.3. Property location: 3820 Lake Shore Drive. Subject to WCPB and APA review.

Rick Demeo stated that the NYS Department of Health is requiring a secondary egress out of a two story building. He stated the building itself is approximately 30 feet from the lake and was built in 1972. He stated they are proposing a stairway from the top balcony down to the first balcony. They do not need to go down to the ground level because the first balcony has two accesses to the ground level. K. Hoopes stated that the only reason they are there is because to get enough walkway up there they have to stick out beyond the roof line a little bit. M. McComb stated that this is the definition of a minor variance which is not self-created.

RESOLUTION

The Zoning Board of Appeals received an application from Canoe Island Lodge (V08-19) 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 Board;

And, whereas the Warren County Planning Board 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.

The Board makes the following conclusions of law:

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance; the applicant is seeking to add a set of required safety stairs to a pre-existing non-conforming structure,
- 2) There will be no undesirable change in the neighborhood character or to nearby properties, people may not like the look of the stairs but the stairs are required,
- 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; it will improve the physical aspect of the structure by making it safer,
- 5) The alleged difficulty is not self-created, it is State mandated,

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 Meredith McComb and seconded by Jeff Anthony, it is resolved that the ZBA does hereby approve the variance request as presented. **All in Favor. Motion Carried.**

6) V08-21 ZAMORSKI, EDWARD. Represented by Gregg Biche'. To alter pre-existing non-conforming single family dwelling, specifically to enclose a 30' x 5 1/2' porch, seeks area variance to alter a pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 156.20, Block 1, Lot 42, Zone RCM1.3. Property Location: 99 Rock Cove Road. Subject to WCPB review.

Gregg Biche' stated that the applicant is proposing to enclose an existing porch with windows and a sliding glass door. He stated that the footprint is going to remain the same. G. Smith stated that the roof already exists and they are looking to enclose the area and extend the living room out instead of having it as an open porch. G. Smith stated that there was a letter from Rock Cove Association approving of the project.

RESOLUTION

The Zoning Board of Appeals received an application from Edward Zamorski (V08-21) 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 the application having been referred to the Warren County Planning Board;

And, whereas the Warren County Planning Board 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.

The Board makes the following conclusions of law:

- 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, it is not visible from most other areas,
- 3) The request is not substantial; most of the deck and roof line already exist and the applicant is merely enclosing part of the existing structure,
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; it is occurring on existing already developed portions of the property,
- 5) The alleged difficulty is somewhat self-created, but it is a minor aspect of this application,

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 Kam Hoopes, it is resolved that the ZBA does hereby approve the variance request as presented. **All in Favor. Motion Carried.**

7) V08-18 ABBRUZZESE, DONALD. To alter pre-existing non-conforming single family dwelling, specifically to raise the roof and expand the kitchen on an existing deck, seeks area variance for 1) a deficient side yard setback. 15' is required, 8.25' is proposed; and 2) to alter a pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 156.20, Block 1, Lot 32, Zone RCM1.3. Property Location: 80 Pioneer Village Road.

Donald Abbruzzese stated that he and his wife bought the property in January 2008. He stated that during the home inspection they found mold in the attic. Upon investigating removal and cost of removal of the mold, they decided to remove the entire roof, trusses and installation. Since they were doing this they decided to tackle their storage problem in the home and raise the roof to 22 feet. They are also proposing to install two dormers to prevent the rain from coming down over the entryways. They will be changing the siding of the home to have a more Adirondack feel with a cement board that looks like cedar. He stated that they are not changing the overall footprint, but they are proposing to go up. He stated that they have found that the shed is on the property line and they intend to move it 15 feet to meet compliance of the setback. K. Hoopes stated that the neighborhood is well tiered and this will not affect anyone's view.

RESOLUTION

The Zoning Board of Appeals received an application from Donald Abbruzzese (V08-18) 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 Board;

And, whereas the Warren County Planning Board 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.

The Board makes the following conclusions of law:

1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance; modifying a pre-existing house in part for the health and safety for the applicant's family,

2) There will be no undesirable change in the neighborhood character or to nearby properties, the applicant is located well into the interior of his lot. It is not a very wide lot and it will not affect anybody's view,

3) The request is not substantial; because of the reasons previously stated,

4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; because it is minor and it will have an improvement upon the physical effects for the applicant,

5) The alleged difficulty is not self-created, it is a heavily shaded forested area and the applicant is doing a good job in making a minor improvement to 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 Meredith McComb and seconded by Jeff Anthony, it is resolved that the ZBA does hereby approve the variance request as presented. **All in Favor. Motion Carried.**

8) SWEET TONEY LLC, (CLAIRVIEW SUBDIVISION). Represented by Atty. Jonathan Lapper and/or Atty.. Stefanie DeLallo Bitter. In accordance with Section 200-72 of the zoning ordinance, seeks to appeal the Zoning Administrator's determination that 1) the variance (V82-5) granted on July 29, 1982 associated with the Clairview Subdivision (SD84-10) was for the transfer (shift) of density from the RL3 zone to the LC25 zone only, not building rights; and 2) A cluster subdivision was not approved. Simply put, a major subdivision was approved after a variance was granted to transfer density. Section 199.04, Block 1, Lots 19 through 43 and Section 212.2, Block 1, Lot 12. Zones RL3 & LC45. This item was tabled at the April 2008 meeting pending additional information.

RESOLUTION

This item was withdrawn at the applicant's request.

Meeting was adjourned at 8:03 PM.

Minutes submitted by K. MacEwan