

**Town of Bolton**  
**ZONING BOARD OF APPEALS**  
**MINUTES**  
**Tuesday – August 17, 2010**  
**6:30 p.m.**

SEQR = State Environmental Quality Review  
PB = (Town of Bolton) Planning Board  
WCPB = Warren County Planning Board  
APA = Adirondack Park Agency  
LGPC = Lake George Park Commission  
DEC = Dept of Environmental Conservation

Present- Jason Saris, William Pfau, John Michaels, David Ray, Kam Hoopes, Counsel Michael Muller and Zoning Administrator Pamela Kenyon

Absent- Jeff Anthony and Tony DePace

The meeting was called to order at 6:35pm

Jason Saris asked if there were any corrections or changes to the July 20, 2010 minutes.

**RESOLUTION:**

**Motion by John Michaels to accept the July 20, 2010 minutes as written. Seconded by Kam Hoopes. All in Favor. Motion Carried.**

Jason Saris announced to the applicants and public in attendance that they were short a few Board members. This means that all applicants would need 4 out of the 5 members present to vote in favor of the variance. He stated that if any applicant feels uncomfortable not having a full Board they may ask to have their application tabled for a later date when they can present it before a full Board.

**1) V10-26 BIVONA, GARY.** Represented by, Jarrett Engineers, PLLC. For the construction of an approximate 120 sq. ft. retaining wall, seeks area variance for a deficient front yard setback. 50' is required, -9' is proposed. Section 171.07, Block 1, Lot 64, Zone RM1.3. Property Location: 43 Cobblestone Court. Subject to WCPB review.

Tom Jarrett represented the applicants. With regard to the negative setback they are seeking, he stated is due to the easement for the association. This is a private road, and the applicants own to the center of the cul-de-sac in which their property is situated. This new wall would be inside of the easement. However, it will not affect the travel way or traffic flow to any of the properties or along the road. Originally, the wall was strictly for aesthetics, but they are also under the opinion that this will enhance their stormwater management system for the property. It will make it more efficient and easier to build.

John Michaels stated that he heard that the HOA was looking to petition the Town to take this road over. Tom Jarrett replied that he was not familiar with that. Jason Saris stated that from his experience on the Town Board that would be highly unlikely. John Michaels asked if that were to occur would it affect the easement in any way. Tom Jarrett replied that it would not interfere with any traffic flow. He agreed with Jason Saris that it would be highly unlikely that the Town would take over the road.

Kam Hoopes stated that he visited the site which is rather steep and does agree that this retaining wall will definitely provide a benefit from some stormwater retention. He stated that

he spoke to the immediate neighbor who indicated that they were thrilled that this was being proposed. He stated that he was not aware of any other homeowners having any issues with it. Tom Jarrett stated that the old driveway was removed and it was very steep with approximately 20 plus percent and the new driveway will only be 12%, which is a considerable decrease.

Bill Pfau asked if the subdivision by-laws address building within the easements. Tom Jarrett stated that there was nothing that they found in the by-laws. Gary Bivona stated that each homeowner owns 1/12<sup>th</sup> of the project which is right to the center line of the road. Bill Pfau stated that he feels that this will be an enhancement to the property.

Jason Saris asked if there was any correspondence. Pam Kenyon indicated that there was no correspondence and no Warren County impact.

There were no comments from the public in attendance.

## **RESOLUTION**

The Zoning Board of Appeals received an application from Gary Bivona (V10-26) 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; the easements for the driveway run through this area.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties, it is a wall that will be dealing with erosion problems on the lot.
- 3) The request is not substantial; this is where the erosion problems are and they must be dealt with.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; this will improve water run-off on the lot.
- 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 Bill Pfau and seconded by Kam Hoopes, it is resolved that the ZBA does hereby approve the variance request as presented. **All in Favor. Motion Carried.**

**2) V10-27 SENESE, JAMES & ANN.** To alter pre-existing non-conforming single family dwelling, specifically to add a proposed retaining wall, storage building and deck, 1) seek area variance for deficient setbacks. a) front: 30' is required, 20 ft. is proposed, and b) rear: 15' is required, 6' is proposed; and 2) To alter pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 171.15, Block 3, Lot 77, Zone GB5000. Property Location: 3 Congers Point Way. Subject to WCPB review.

Jim Senese stated that he and his wife are seeking to place a Garden Time shed on their property. He provided details for the plan. The shed is 14' x 20' and would be attached to the existing home via ground level decking to provide a clear walkway to the shed. The ground preparation includes a poured concrete retaining wall from the corner of the existing footing to provide a level surface to place the shed. Approximately 7 yards of stone will be required to level the area where the shed will sit.

Jim Senese stated that Kathy Bozony of the Lake George Waterkeeper's office has been to the site and they have agreed to make every attempt to mitigate water run-off. The preparation of the site will be done by Adirondack Builders. The shed will match the existing home structure as shown in the plans.

John Michaels stated that it seems that there is a lot of infrastructure on the lot already and asked why they would need the shed. Jim Senese stated that they anticipate 2 cars going into the garage. He stated that although they have a basement it is not a full space; most of it is crawl space. The basement has a lot of ledge rock that was not blasted for the construction of the original home. The basement is very damp and has quite a bit of moisture, so this would create a place for dry storage above ground.

Bill Pfau asked if this would result in one building. Jim Senese stated that there are 2 points of attachment; 1) to the existing foundation via a wall and 2) the pressure treated decking to provide a level walkway. Bill Pfau stated that he asked because it seems to be getting close to the length requirements. Jim Senese stated that if the decking is a problem they could consider doing a blacktop instead. Bill Pfau stated that the overall length cannot be over 120' or it will require a variance.

John Michaels asked if there was any consideration of a smaller shed. Jim Senese stated that it was considered but he knows what he would like to put in the shed. He stated that he does a lot of reading of documents and he would like to store that on the second story while the first story would be reserved for lawn and maintenance equipment.

Barbara Drake, neighboring property owner, stated that the applicants are lovely people and appreciates the work that they have done so far. She has seen the plans but is a little concerned with the overall length of the structure. Because of the slope on the back of the property almost all of the house has to be on the front which makes it long. She suggested that they consider altering the color to something more natural rather than the blue. She stated that the current structure is very long and this would just add to the length aesthetically.

Pam Kenyon stated that it seems that the overall length would be 130 feet. Jason Saris stated that this would add the need for another variance. He stated that since that variance request was not publicized that way they would need to allow time to publicize it properly before proceeding with the decking. He stated that he could proceed tonight as an unattached structure. He stated that he could always come back for the decking at another time. Counsel Muller stated that the applicant could also look at the alternative of using slate, stone or blacktop which would not be considered a full structure. Jim Senese stated that he would like to proceed with the application for just the shed and he would return to get the deck at the next meeting. Pam Kenyon stated that she was not comfortable with what was being discussed. She stated that they would still need to have separation in between the items so that they would not be considered one structure. Jason Saris stated that they are just looking to approve the shed tonight and that the applicant would have to come back with whatever they propose as their walkway.

Kam Hoopes stated that there is another point of attachment to the house; the applicant is proposing a retaining wall which is from the corner of the foundation of the house. Pam Kenyon stated that this will be a concrete block foundation for the shed. Jason Saris stated that they don't count retaining walls if they are underground. Kam Hoopes stated that it will be above ground in one area. There was further discussion over whether or not this would be considered a connecting jurisdictional structure. After some review Pam Kenyon indicated that the retaining wall would be considered a structure and it is connected which would then create the need for another variance for the overall length of the structure. Counsel Muller stated that the best thing would be to allow the applicant to amend his application.

Jim Senese asked if the retaining wall was totally buried on both sides would this be an issue. Counsel Muller stated that would be fine. Jim Senese stated that he felt that it would be doable because he has enough slope to bury the retaining wall. There was further discussion about burying the retaining wall. Pam Kenyon stated that they should be discussing how much fill will be needed to complete this project. John Michaels agreed because he feels that it is a large hole to fill.

Jason Saris stated that they seem to be getting hung up on definitions. He stated that a retaining wall buried on both sides seems to be a foundation. Jim Senese stated he only said that because it would be the best foundation for the shed. Jason Saris stated that one would not call what goes under a shed a foundation but what is done underground to sure up the ground for a structure is really a foundation. Jim Senese stated that the structure would not sit on the wall it would be sitting on the stone.

John Michaels stated that this would only be tabled for 30 days to allow time to publicize the application. He stated that the original application request was not correct and he does not feel that they should be brainstorming ways to allow this variance. He recommended coming back with an amended application to include this additional variance.

Jason Saris asked Pam Kenyon if this would be considered a jurisdictional retaining wall. Pam Kenyon replied that she would prefer to see some drawings or plans that provide details to help her make that decision.

Kam Hoopes stated that there is another problem because if you look at the drawing the shed is not in the line with the house. So if he did attach that to the corner of the house the shed would not be sitting solidly on the ground of the retaining wall. He stated that he agrees with Pam Kenyon that they should see some drawings to show the hidden retaining wall or an amended application for the additional variance. Jim Senese stated that he would be willing to amend the application.

## **RESOLUTION**

**Motion by** Kam Hoopes to table application V10-27 pending an amended application.

**Seconded by** Bill Pfau. **All in Favor. Motion Carried.**

**3) V10-28 PEPE, MICHAEL & LAURIE.** Represented by Bruce Mowery. To alter pre-existing non-conforming structure, specifically to alter the dock/boathouse, seek area variance to alter pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 213.05, Block 1, Lot 16, Zone RM1.3. Property Location: 16 Marion House Drive. Subject to WCPB and APA review.

Bruce Mowery stated that the applicants are looking to replace the t-shaped dock that sustained extensive ice damage this spring. In doing so, they have also decided to replace the existing boathouse which is old and in disrepair. The applicants would like to maintain the same footprint of the current boathouse but instead of the gable roof they would prefer to put a sun deck and they will be reconfiguring one of the docks on the north side. He provided more details to the u-shaped dock formation. Overall the dock will be 28' long, and it will provide better access for their guests to dock. He stated that all of the repair work would be conforming to the setbacks and the only reason they need the variance is because the existing portion of the dock that they are not doing anything with, is non-conforming.

John Michaels stated that he felt that the reconfiguration of the dock would be a good idea. He asked if the exterior will match the house. Bruce Mowery replied yes. Bill Pfau asked if the dock will be getting any larger. Bruce Mowery replied no, they are just swapping out square footage from one area to the other. Jason Saris stated that this will be an improvement visually. The northern side of the dock goes 28' and now it will only go 16'. John Michaels agreed and was also pleased that it will be matching the house.

John Michaels asked if they had gotten LGPC approval. Bruce Mowery replied that Molly Gallagher has given a verbal approval but he has not received formal written confirmation.

There were no comments from the public in attendance and no Warren County impact.

## **RESOLUTION**

The Zoning Board of Appeals received an application from Michael and Laurie Pepe (V10-28) 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; there is an invasion of setback on the one side which renders the present dock structure as non-compliant.

2) There will be no undesirable change in the neighborhood character or to nearby properties, this dock has existed as it is in a damaged state for many years and this re-configuration will bring a desirable change in the visual impact of the dock.

3) The request is not substantial; they are swapping square footage, it is just a reconfiguration of square footage use.

4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; it is a simple dock and boathouse in the same footprint and size.

5) The alleged difficulty is not self-created, this boathouse was not built by the applicants it was inherited and it has been heavily damaged by the ice over the years.

The practical difficulty is that this structure is a pre-existing non-conforming structure.

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

Now, upon motion duly made by Kam Hoopes and seconded by David Ray, it is resolved that the ZBA does hereby approve the variance request as presented. **All in Favor. Motion Carried.**

**4) V10-29 SAGBOLT, LLC.** Represented by, Attys. Benjamin Pratt and Jonathan Lapper. In accordance with Section 200-93A (other regulations applicable to Planned Unit Developments), seeks area variance to 1) add a porte-cochere to the Hotel; and 2) To renovate the existing Pavilion Restaurant. Section 171.16, Block 1, Lot 16, Zone PUD. Property Location: 110 Sagamore Road. Subject to WCPB, ZBA, PB, TB & APA review. Subject to SEQR.

Ben Pratt stated that the letter that was sent to the ZBA outlines what they are proposing. However, there are two items that need to be corrected; both on the third page of the letter 1) with regard to the Pavilion Restaurant size it should read 44' x 12' and 2) they are only adding an additional 28 seats and not 48 seats. By the time they completed the design, moved the kitchen around and put in the bathrooms, they found that they would not be able to accommodate 48 additional seats.

Ben Pratt further reviewed the proposed plans, which he feels are minor amendments to the PUD. With regard to the porte-cochere, it will be added on the front of the hotel. The purpose is to extend a roof over the existing driveway so that guests of the main hotel are protected from the elements while they unload and check in. This will be an improvement aesthetically as well as environmentally. They have received an approval from NYS OPRHP. This is also subject to review by the APA. Ben Pratt stated that he has spoken to Colleen Parker, who has indicated that they are waiting to see what the Town does, but she did not seem to take any issue at this time. He stated that there was no Warren County impact.

With regard to the Pavilion Restaurant, Ben Pratt stated that they will be updating and modernizing it, while keeping the same appearance as they have done on the rest of the lake front. They are intending to make this a better usable space. They are adding a deck which will improve the aesthetics and scenery of the back of the building. They also have significant run-off in this area, so they will also be mitigating stormwater run-off by catching what comes off of the new roof and structure. There are no sanitary sewer issues; there is a line that runs close by which they will tap into.

John Michaels asked if they will be completely rebuilding the structure. Ben Pratt stated that there will not be any construction below or at the water level. He stated that Schoder River Associates has looked at the building and structure. Barry Kimble, of Ocean Properties, stated that since they are adding the deck they will have to shore up what was the roof, to create the deck which will cause an additional 50lbs/sq. ft load. He stated that they will be coming up on the rear of this structure which is above the water and putting in a new foundation because the current one is a wood foundation is in disrepair. This new foundation will provide the additional support for the deck and kitchen area. He stated that the remaining part of the building will just receive modernization and upgrades.

Bill Pfau asked if the north wind hits this structure pretty bad. Tom Guay replied yes at times. Barry Kimble stated that this building is built into the bank a bit so a lot of the wind goes over it. Kam Hoopes stated that they also have a tree buffer that protects them from the wind. Ben Pratt stated that the shrubs and vegetation on the slope will be cleaned up, but the large oaks will remain.

Kam Hoopes stated that this is always a strange process to approve or review a PUD because they don't usually need area variances. He does not see any issues and finds that the proposed changes are in line with what the hotel has been doing and will not alter how they conduct business in any way. He stated that the Porte-cochere is perfectly located and the Pavilion will remain on the same profile. Bill Pfau agreed that both were great improvements.

There was no correspondence and no Warren County impact.

Jane Gabriels, neighbor, stated that she is delighted to see the work being done on the Pavilion because it was much needed. She also looks forward to seeing the Porte-cochere because they may eventually open again the winter.

Zandy Gabriels, neighbor, stated that he is very happy to see the changes that the Sagamore is doing. Both will be good for the hotel, in the short and long term. He hopes that the other Board members also grant suitable approval. He feels that it is important in a small town to get

approval from all 3 Boards so that they all understand what is happening to the PUD because it is a significant economic player in the Town and they need the community backing. He is delighted that the process allows 3 reviews in Bolton which may be unique, but then again Bolton is unique.

Kathy Bozony, Lake George Waterkeeper, stated that the Waterkeeper also supports some of the changes occurring, especially the stormwater being proposed. She stated that she has talked to Mark Tabor of the LA Group regarding the removal of vegetation on the slope behind the Pavilion and he has assured her that there is planting plan with substantial vegetation to replace it.

## **RESOLUTION**

**Motion by** Kam Hoopes to accept application V10-29 as presented and recommend favorable approval. **Seconded by** John Michaels. **All in Favor. Motion Carried.**

**5) V10-30 BERKOWITZ, NED & ROBERTA.** To alter single family dwelling by adding a proposed garage and mudroom, seek area variance for a deficient front yard setback. 30' is required, 4' is proposed. Section 171.19, Block 2, Lot 5, Zone GB5000. Property Location: 17 Congers Point South. Subject to WCPB review.

Jason Saris alerted the applicants that he was one of the owners of Performance Marine which has a right-of-way that borders this property. He stated that he does not feel that there is any conflict with what they proposing; they are not an adjoining property owner so it has no effect on the use of the right-of-way. He asked the applicant if they would want him to participate. Maggie Stein stated that she does not have any concern with him participating in the review.

Maggie Stein provided the details of the proposed plan. The applicants intend to move to this house year round. So they are doing an interior renovation and are proposing a mudroom and garage for parking which would be attached to the existing house. She stated that the variance is necessary because the edge of the roof line of the garage will give them the setback of 4' from the right-of-way.

John Michaels asked if there was a grading plan. Maggie Stein replied no not yet. John Michaels stated that he is concerned because there is a 6' elevation drop from the road to the proposed garage floor and he is not sure how they are going to get the garage in there without some sort of retaining wall. Maggie Stein stated that they have just done some design development drawings. She stated that the garage will be up a little higher than the house and it would step down into the mudroom and then a few steps down into the house. John Michaels stated that was pleased to hear that, however, he would like to see a grading plan because he feels that they may need a retaining wall which is not part of the application. He would not like to see this application segmented. Kam Hoopes stated that a neighboring property has the same issue.

John Michaels stated that he was concerned that this will block the Spahn's view of the lake. He asked if they were on notice and understand that they will be losing their view. Bill Pfau stated that he spoke to this neighbor and she actually would like to have her view blocked because she gets the noise from the docks.

Bill Pfau stated that the roof line will be 4' from the right-of-way and asked how far the roof line would be from the actual road. Maggie Stein stated that they are 4' from the property line and would be approximately 12' away from the roadway.

John Michaels stated that the applicants are proposing to double the amount of impervious surface on this lot and asked if there were any stormwater plans. Maggie Stein replied not at this time but the applicants are willing to do what they have to do for the stormwater.

Pam Kenyon stated that there was no WC impact with the stipulation that the Town pay close attention to stormwater and surface water run-off issues. There was no other correspondence.

There was further discussion over whether or not there might be a need for a retaining wall, which may be jurisdictional and require an additional variance. John Michaels stated that he does not see how they will be able to build this structure without a retaining wall. He would like to see a grading plan and stormwater plan before they move forward with approval. Bill Pfau asked how tall the building will be. Maggie Stein stated that the garage would be approximately 24 feet.

Jim Senese, Congers Point HOA President, stated that he has reviewed the conceptual drawings and plans. He has also talked to Kathy Spahn and would agree that she felt there was no impact and did not care about the view. However, he would like to have the opportunity to have all members of the Congers Point Construction Review Committee look at his plans again because they were not aware of the garage and mudroom proposal until tonight. Jim Senese stated that in the by-laws the property owner has to talk to all of the surrounding neighbors to make sure that they understand what they are doing and the impact it will have on their property. He stated that the applicant has only done that with Kathy Spahn but has not spoken with two other neighbors. Before the association can release a letter of support the applicant must complete this step.

Maggie Stein stated that this is not a project that needs to be completed this fall so they can make whatever changes or additions necessary.

Jason Saris stated that he is concerned with the stormwater issue as well. He stated that although that is not their job to review, he does feel that it should be worked on. He stated that this is a tight area with steep slopes. He stated that he would like to see it incorporated into the plan from the beginning instead of trying to add it later as an afterthought. Maggie Stein asked if the entire structure would need stormwater or would it just be for the addition. Pam Kenyon replied that it would just be for the new structure unless it was a condition of approval from one of the Boards.

David Ray stated that he spoke to Ned Berkowitz about the project and addressed some of these concerns with him. He stated that the applicant did not seem to think that they would need a retaining wall for the garage. He also indicated that at this time there is no plan for stormwater. David Ray agreed with Jason Saris that he would like to see it all incorporated into the design from the beginning. He feels that it will be a cleaner project for them to review. Kam Hoopes agreed. Maggie Stein stated that the applicant would like to start the interior renovation and asked if that would be any concern. The Board replied no.

Kathy Bozony, Lake George Waterkeeper, stated that she would like to see stormwater management be required on the entire property. This is a great opportunity to take a small parcel with a large structure in a neighborhood with small properties and large structures and address stormwater and condition this approval with mandatory stormwater management for the entire parcel. This would bring this parcel in compliance with Section 265-C.

Jason Saris asked if it would be acceptable to return with more information. Maggie Stein requested to table the application.

**RESOLUTION:**

**Motion** by Bill Pfau to table application V10-30 pending further information. **Seconded** by John Michaels. **All in Favor. Motion Carried.**

**6) V10-31 KOVACS, FRANK.** Represented by, Eugene Baker. To alter pre-existing non-conforming single family dwelling, specifically to add an 12'x 24' addition and expand the deck, 1) seeks area variance for a deficient front yard setback. 30' is required, 18' is proposed; and 2) To alter pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 186.14, Block 1, Lot 77, Zone RCH5000. Property Location: 26 Beckers Drive. Subject to WCPB review.

Eugene Baker stated that the applicant is seeking to expand in order to provide a usable kitchen. The existing kitchen will then become a space for a washer and dryer.

Kam Hoopes stated that this seems to be a very neat and tidy addition. Unfortunately the applicant will be losing the fireplace and chimney but he is willing to give that up to have a little more space inside the building. This is a classic case of an old camp outliving its usefulness in its present configuration. It is also essentially filling in a jog on the building.

Eugene Baker stated that as you drive through the association there are other homes close to the right-of-way so this would not be out of character for the neighborhood. John Michaels stated that he likes that they decided to keep it one story. Eugene Baker stated that this addition is just to make this a more functional cabin.

There was no correspondence and no Warren County impact.

Kathy Bozony, Lake George Waterkeeper, suggested adding stormwater management on the entire property. These proposed additions to existing single family dwellings within close proximity to the lake is a great opportunity to bring stormwater into compliance with Bolton code.

David Ray asked if they would need any information regarding the septic system. Eugene Baker provided some details regarding the existing system. He stated that they dug up the current system and it meets all setbacks to the addition and house. David Ray asked if this would impact or create the need for a septic review. Pam Kenyon replied that there is no increase in bedrooms therefore this addition would not create any need to review the septic.

**RESOLUTION**

The Zoning Board of Appeals received an application from Frank Kovacs (V10-31) 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; the house is a pre-existing structure and does not meet setbacks from the right-of-way.

2) There will be no undesirable change in the neighborhood character or to nearby properties, the majority of the addition is being built over the existing deck and building.

3) The request is not substantial; it is the minimum relief necessary and the applicant is not encroaching any further into the right-of-way.

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, due to the pre-existing location of the 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 Bill Pfau and seconded by David Ray, it is resolved that the ZBA does hereby approve the variance request as presented. **All in Favor. Motion Carried.**

**7) V10-32 CAHILL, PATRICK.** Represented by, Eugene Baker. For the construction of a proposed 20' x 26' garage with storage above, seeks area variance for a deficient side yard setback. 8' is required, 4' is proposed. Section 186.14, Block 1, Lot 73, Zone RCH5000. Property Location: 15 Beckers Drive. Subject to WCPB review.

Eugene Baker provided details of the proposal. The applicant is proposing a small garage which will provide storage space for things that are currently on his property. The location chosen was the only reasonable spot on the property due water lines and septic lines in the front of the house and steep grades on the back of the house. Kam Hoopes stated that it seems to be a reasonable location and it would be an improvement to store the equipment and truck currently on the lot. John Michaels agreed, he stated that he does not see that this will block anyone's view. Bill Pfau stated that the only question would be why it could not be placed in

front of the house which the applicant has answered. Eugene Baker stated that there are sewer and water lines, plus electrical lines that droop in front of the house. Kam Hoopes stated that the proposed location is virtually invisible; there is screening and elevation changes that will not interfere with anyone's view.

There was no correspondence and no Warren County impact.

## **RESOLUTION**

The Zoning Board of Appeals received an application from Patrick Cahill (V10-32) 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#7 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; this is a small garage.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties, it will be an improvement to the neighborhood because the applicant will be able to store some of the stuff that is on the property now inside.
- 3) The request is not substantial; it is not a substantial garage and it is in a good location. It is the minimum relief being sought to achieve what the applicant would like to do.
- 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, a garage is almost standard on most structures these days and the grade works well.

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 Michaels and seconded by Kam Hoopes, it is resolved that the ZBA does hereby approve the variance request as presented.

All in Favor. **Motion Carried.**

**8) V10-33 McKINSTRY, PHIL & HELEN.** Represented by, Chris Alsdorf and Doug Lafferty. To alter pre-existing non-conforming single family dwelling and garage, specifically to construct a screened porch, expand a deck and construct a breezeway/foyer between the

house and garage, 1) seek area variance for a deficient front yard setback. 75' is required, 20' is proposed; and 2) To alter pre-existing non-conforming structures in accordance with Section 200-57B(1)(b). Section 212.02, Block 1, Lot 1, Zone RL3. Property Location: 129 Coolidge Hill Road. Subject to WCPB review.

Doug Lafferty represented the applicants. He stated that whole house does not meet the 75' setback requirement. The addition is between the existing house and garage and at the rear of the house they will be adding onto the existing deck and proposing a screened porch. The deck would be a total of 16' x 19' and the screened porch would be 16' x 10'. The space between the house and garage will be 7'6" x 11'6". He stated that the applicants would like to get to their house from the garage. Currently there is a shed roof which makes for a dangerous situation in the winter. The additions will not further encroach on the deficient setback.

John Michaels asked if the whole house will be remodeled. Doug Lafferty replied yes. He stated that the house has really good bones, but they are increasing the insulation and changing the layout slightly. He stated that this proposal would result in a big improvement visually from the road. John Michaels stated that he thought that the breezeway will work well for this house.

Kam Hoopes asked if the antennas in the back will be coming down. Doug Lafferty replied that they would be coming down.

There was no correspondence or Warren County impact.

Kathy Bozony, Lake George Waterkeeper, stated that she looks at this as an opportunity for the Board to condition some stormwater management on these renovations to this non-conforming pre-existing house.

## **RESOLUTION**

The Zoning Board of Appeals received an application from Phil and Helen McKinstry (V10-33) 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#8 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; it is a pre-existing non-conforming location for the house.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties, this is an improvement on a place that was built in the late 60's or earlier 70's. It is time for an update on the property and this should improve the neighborhood character and increase property values.
- 3) The request is not substantial; it is modest. The application is seeking to bump out the living space. This addition is also going to address safety issues of going to the house to the garage and exiting the front door.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; this is a gentle slope. The improvement on the front of the house is not further encroaching on the setback and it is for safety reasons.
- 5) The alleged difficulty is not self-created, it was an inherited situation.

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

**9) V10-34 JOSEPH, ROBERT & DIANE.** To alter single family dwelling, specifically to enlarge the deck, seek area variance for 1) Deficient setbacks. a) front: 50' is required from the edge of the right-of-way, 22.5' is proposed, and b) side: 30' is required. 28' is proposed, and 2) to alter pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 157.05, Block 1, Lot 18, Zone RCL3. Property Location: 23 Stires Drive. Subject to WCPB review.

Willie Bea McDonald stated that the applicant was on her way. She stated that the applicant is seeking to expand the deck because it is barely usable at this point. She stated that with a table, there is no room to move around it. This expansion would not block anyone's view.

Kam Hoopes stated that this is a great idea and the carport underneath it could stand to be pushed out a little. He stated that it is essential to be able to have enough room to put a table and chairs and a grill without creating a safety concern.

Bill Pfau asked why they chose to expand to affect the side yard setback when the house currently meets setbacks. Diane Joseph stated that the deck provided with the house is very small. The additional 2' would allow for them to have a little more comfort to move around. Jason Saris asked why they couldn't move the deck 2' off the back instead of needing variances for 2 directions. Diane Joseph stated that she felt that aesthetically it would look better this way. She stated that there is more property in this area and feels it would look more presentable. The Board agreed.

There was no correspondence or Warren County impact.

## **RESOLUTION**

The Zoning Board of Appeals received an application from Robert and Diane Joseph (V10-34) 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#9 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; they are in tight quarters down there, but not as tight as the existing deck, which is really tight quarters.

2) There will be no undesirable change in the neighborhood character or to nearby properties, this is a pass-by area, the elevation change on the road somewhat eliminates any interference, visual or otherwise, from the addition to the deck. Most properties have decks in this neighborhood.

3) The request is not substantial; there is 2' out of 30' on one side and minimal on the other. However, there will be a substantial improvement to the applicant for a better use of the area.

4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; this is just an extension of the deck as it exists, making it slightly larger.

5) The alleged difficulty is somewhat self-created, but not in any way that this Board should be concerned with.

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

**The meeting was adjourned at 8:19pm**

Minutes respectfully submitted by Kristen MacEwan