

**TOWN OF BOLTON
ZONING BOARD OF APPEALS
MINUTES
Tuesday, January 19, 2010**

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= Department of Environmental Conservation

Present- William Pfau, Tony DePace, Jason Saris, Kam Hoopes, David Ray, Jeff Anthony, Zoning Administrator Pamela Kenyon, Counsel Michael Muller

Absent- John Michaels

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

- 1) On January 5, 2010 the Town Board appointed Jason Saris as a ZBA Member. The Zoning Board of Appeals is now responsible for appointing a new Chairperson.**

Bill Pfau welcomed Jason Saris to the ZBA. He stated that the Board would have to appoint a new chairperson now that Greg Smith has left and asked if there were any recommendations or appointments to be made.

Kam Hoopes asked Jason Saris how long he served as Chairperson on the ZBA previously. Jason Saris replied approximately 3 years. Kam Hoopes stated that Jason Saris is the most experienced ZBA member in the Chairman position and would nominate him.

RESOLUTION:

Motion by Kam Hoopes to appoint Jason Saris as the Chairperson of the ZBA. Seconded by Tony DePace. **All in Favor. Motion Carried.**

Bill Pfau asked if there were any changes or corrections to the December 17, 2009 minutes.

RESOLUTION:

Motion by Kam Hoopes to approve the December 17, 2009 minutes as written. Seconded by Tony DePace. Jason Saris abstained. **All in Favor. Motion Carried.**

- 2) LICHTENSTEIN, ROBERT & MARJORIE.** Represented by Attys. Jonathon Lapper and/or Stephanie DiLallo Bitter. In accordance with Section 200-72 of the zoning ordinance, seeks to appeal the Zoning Administrator's decision, whereby determining that in accordance with Section 200-67(C) of the zoning ordinance, the variance (v07-14) granted for the retaining wall on August 13, 2007 has expired. Section 157.05, Block 1, Lot 40, Zone RCL3

This item was tabled at the applicants request.

- 3) **V09-66 MAHER, WILLIAM & DEBBIE.** Represented by Kevin Mulcahy. To alter pre-existing non-conforming structure, specifically to construct an approximate 14' x 22' addition along with associated stairs and decks, seeks area variance for 1) a deficient front line setback. 50' required, 30' is proposed, and 2) To alter pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 156.20, Block 1, Lot 1, Zone RCM1.3. Property Location: 89 Pioneer Village Road.

Kevin Mulcahy stated that the applicants have a pre-existing 26' x 26' structure that is already deficient in its setback. He stated that the applicants are seeking to add a 14' x 22' family room off the right side of the building. The amount of bedrooms will not change, however, they will be adding a bathroom. Currently the family room is 10' x 12' which is very small. He stated that the orientation of the house has the bedrooms on the back of the lot, so it would be impractical to add living space to the rear of the house. He stated that it is a very small addition of 308 sq. ft., which falls under the 1000 sq. ft. of additional impervious area.

Bill Pfau stated that the applicants seem to be expanding toward the middle of their lot. He does not see any improvements that he could make to their design.

Kam Hoopes stated that other than the need for extra space, just as most parcels in Pioneer Village, this is modest proposal for a 14' x 22' addition. He stated that it is probably the smallest variance request that they have ever looked at in Pioneer Village. It is an area that requires a 50' setback and the applicant is proposing 30' which is still pretty good.

Jason Saris asked how long the applicants have owned the lot. Kevin Mulcahy replied that he was not sure of the date of purchase but believes that they have owned the property for 6-10 years.

Bill Pfau asked if the applicants would need to seek approval from the HOA. Kevin Mulcahy replied yes, they will need to seek approval from the HOA once they gain approval from the Town. However the applicant has already had some discussions and they seem to be okay with it. He stated that the height of existing structure and addition are very low and they would not visually affect any of the neighbors.

Kevin Mulcahy stated that the applicant's property is currently on a slab, so they are proposing to create a basement area to provide room for storage and the mechanicals for the house. He stated that currently the applicants just use this house seasonally. However, as they are getting older they are going to be looking at staying up here longer so it will need to be winterized.

Jeff Anthony asked if the applicants would be willing to provide some minor stormwater management because of the addition. Kevin Mulcahy replied that the applicants would

consider anything. He stated that when he was at the site he did not see any erosion on the property but was open to suggestions from the Board. He stated that the driveway is gravel and he feels that it should remain that way. Jeff Anthony agreed and suggested that when they work on excavating that they consider adding some drip edges.

Kathy Bozony, Lake George Waterkeeper, asked if the basement was only for storage or would it be used in the future for potential bedrooms. Kevin Mulcahy replied that the space would not allow for that. He stated the only way to get into the cellar will be from the outside as a walkout basement. They only plan to use the space for storage and for their mechanicals for the house.

Kathy Bozony asked if there was an absorption field on-site or if it was a community system. Kevin Mulcahy replied that the absorption field is approximately 10' from where the new structure will be. He stated that he is not sure of the orientation of the septic tank without digging it up.

Kathy Bozony agreed with Jeff Anthony regarding stormwater. She stated that original building was probably not built with stormwater. Kevin Mulcahy stated that the applicants have considered installing a French drain at the rear of the house. Kathy Bozony stated that she knows that most of these lots are heavily treed and vegetated, however, she has not seen the site without snow and was not sure if there were options to incorporate rain gardens. Kevin Mulcahy replied that it would be difficult to add a lot of stormwater management to this lot, but they would consider adding whatever they could to help with stormwater.

RESOLUTION

The Zoning Board of Appeals received an application from Maher, William and Debbie (V09-66) 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; this is a simple setback from the frontline.

2) There will be no undesirable change in the neighborhood character or to nearby properties, all of these places are very similar and constrained by these tight spaces.

3) The request is not substantial; especially by Pioneer Village standards.

4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; stormwater management has been discussed to be incorporated

5) The alleged difficulty is not self-created, these buildings were built for another reason and have since been privatized.

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 Jeff Anthony, it is resolved that the ZBA does hereby approve the variance request as presented with the following condition(s): 1) that minor stormwater management is incorporated into the project. **All in Favor. Motion Carried.**

Kevin Mulcahy asked what the applicants would need to provide with regard to incorporating minor stormwater. Kam Hoopes replied that since the topography is tough to work with, they are looking at any sort of modification or mitigation that could be done to infiltrate the water coming off of the property. Jeff Anthony stated that he would recommend trying to infiltrate the roof run-off. Pam Kenyon stated that it would be part of the permitting process. She suggested that he stop in the office so that she could assist him further.

The meeting was adjourned at 6:41pm.