

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Monday – September 13, 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, Tony DePace, Jeff Anthony, Counsel Michael Muller and Zoning Administrator Pamela Kenyon

Absent- Kam Hoopes

The meeting was called to order at 6:33pm.

Jason Saris asked if there were any changes or corrections to the August 17, 2010 minutes.

RESOLUTION

Motion by John Michaels to approve the August 17, 2010 minutes as written. **Seconded by** David Ray. Tony DePace abstained. **All Others in Favor. Motion Carried.**

1) V10-35 HUMPHREY, BRIAN. To alter pre-existing non-conforming single family dwelling, specifically to construct a 10'x 38' porch addition, 1) seeks area variance for a deficient front yard setback. 75' is required, 39.66' is proposed; and 2) to alter pre-existing non-conforming structure in accordance with Section 200-57B(1)(b). Section 213.13, Block 1, Lot 69, Zone RCM1.3. Property Location: 18 Coolidge Hill Road. Subject to WCPB review.

Brian Humphrey stated that he is seeking to add a small porch addition to the back of the house, which faces the street. He stated that he believes this will be a benefit to the neighborhood. He has personally spoken to his neighbors and has found that none of them are opposed in any way to what he is seeking to do.

John Michaels stated that he is sure that it will help them in inclement weather. Brian Humphrey agreed. John Michaels stated that it will also improve the looks of the house.

Jason Saris asked about the age of the structure. Brian Humphrey stated that it was built in 1986 and he and his wife are the original owners.

Bill Pfau asked if this request would affect the easement that runs through this lot. Pam Kenyon replied no it meets the setback. Bill Pfau stated that this is a minimal request for a deck. Jason Saris agreed that it was a reasonable request and it is within the character of the neighborhood.

There was no correspondence or comments from the public in attendance. Pam Kenyon stated that there was no Warren County impact.

RESOLUTION

The Zoning Board of Appeals received an application from Brian Humphrey (V10-35) 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;
- 2) There will be no undesirable change in the neighborhood character or to nearby properties, it will be an improvement to the character of the neighborhood.
- 3) The request is not substantial; it is a relatively small deck and porch with a railing but it does not appear to be closed in.
- 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, this 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 John Michaels and seconded by Jeff Anthony, it is resolved that the ZBA does hereby approve the variance request as presented. **All in Favor. Motion Carried.**

2) V10-36 GEORGE, LORI & JAMES. For the construction of an approximate 39'x 30' garage/storage building, seeks area variance for deficient setbacks. 1) Side: 20' is required, 8' is proposed; 2) Rear: 20' is required, 13' is proposed; and 3) Lot Coverage: 15% allowed, 25% proposed. Section 171.15, Block 2, Lot 8, Zone RM1.3. Property Location: 14 Second Street. Subject to WCPB review.

Lori George stated that a few months ago they applied and received a variance for this additional storage area. However the original plan was to demolish a portion of the old garage and add onto the remaining portion for storage. However, due to the cost involved they are requesting to place a separate building on the lot. She stated that they decided not to demolish the existing garage because it is wasteful and expensive. It is less expensive to build a new

building then to demo and add on to the existing building. She stated that the reason for the request remains the same; they are seeking a solution to their storage problem.

Bill Pfau asked for the details of the original variance. Pam Kenyon stated that it was to alter a non-conforming structure, specifically to demolish and re-build a portion of the existing garage. The variance was for a deficient front yard setback 50' required, 41' proposed; side 20' required, 12' proposed and to alter the non-conforming structure. Bill Pfau asked if this structure was the same size. Lori George replied that it is about the same size, it is just not an addition anymore, it will be a separate building.

Bill Pfau asked if the applicant had a lot density issue in the last variance. Pam Kenyon replied no. Bill Pfau asked if there will be a driveway into this structure. Lori George replied no, they intend to use the existing garage for cars. Jason Saris stated that the plans indicate that it will be used for storage of snowmobiles and canoe. Bill Pfau stated that there are a lot of structures on this lot, but feels that this structure will be in a hidden corner of the lot. He stated that the overall height will be 18 feet. Jason Saris stated that with the slope it will be concealed by the existing garage. Bill Pfau agreed.

There was no correspondence or comments from the public in attendance. Pam Kenyon stated that there was no Warren County impact.

RESOLUTION

The Zoning Board of Appeals received an application from Lori and James George (V10-36) 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#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; due to lot coverage density and setbacks issues.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties, there are no objections from any of the neighbors. It is in a concealed area of the lot so it will not be very visible from Second Street. It does not seem to affect any neighbors' views.
- 3) The request is fairly substantial;

4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

5) The alleged difficulty is not self-created, because the applicant does not have the room on the lot.

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

3) V10-37 BOLTON GARDEN CENTER (Steve Budner). Seeks area variance for deficient parking. 41 spaces are required for retail use. 8 spaces were approved on December 19, 2005 under V05-72. 34 spaces required at that time. Section 171.19, Block 1, Lot 62, Zones **GB5000** and **RM1.3**. Property Location: 4921 Lake Shore Drive. Subject to WCPB review. Discussion is also sought as to what constitutes a fast food restaurant.

This item was tabled at the applicant's request.

The meeting was adjourned at 6:50pm

Minutes respectfully submitted by Kristen MacEwan