

**Town of Bolton  
ZONING BOARD OF APPEALS  
MINUTES  
Tuesday, January 15, 2013  
6:30 p.m.**

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

**Present:** Jason Saris, Jeff Anthony, Donald King, John Michaels, John Famosi, Tony DePace, David Ray, Zoning Administrator Pamela Kenyon and Counsel Michael Muller

**Absent:** Matt Slaughter

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

Jason Saris asked if there were any corrections or changes to the December 18, 2012 minutes.

**RESOLUTION:**

**Motion by Donald King** to approve the December 18, 2012 minutes as written.  
**Seconded by Jeff Anthony. All in Favor. Motion Carried.**

1. **V12-50 GRAMEGNA, JOHN.** To alter non-conforming garage with storage above, specifically to construct an elevated deck with egress stairway, seeks area variance for 1) a deficient front yard setback. 50' is required, 18' is proposed; and 2) to alter non-conforming structure in accordance with Section 200-57B(1)(b). Section 186.00, Block 1, Lot 5, Zone RL3. Property Location: 29 Long View Lane. Note: The applicant's intent is to convert the second story into a single family dwelling.

Curt Dybas stated that the applicant is converting the upper level of the garage into a living space. The purpose of the variance is to construct a deck on the upper level of the existing garage with a stairway leading to the upper level to create a legal means of egress into a single family dwelling. The upper level will have a living area, one bedroom, kitchen, dining and bathroom. The property will be used for the applicant's property manager. The applicant intends to build a 3 bedroom home on the property next fall and the future of this structure is not certain; it may be considered a guest cottage or using it strictly as a loft. Curt Dybas stated that the applicant has already installed a new septic system, sized for 4 bedroom capacity, and a new well on this property.

Jason Saris clarified that the applicant is not asking to have 2 dwellings on this property. Curt Dybas replied no, the garage will be used for his property manager and then by the applicant while his house is being constructed. After the applicant's house is constructed the fate of this building will need to be determined. It may be removed, but if it is to remain it would be an accessory structure which would require approval.

Counsel Muller read the following correspondence:

1. Letter from Brenda Leito wrote in opposition to the application
2. Letter from Louise Straney wrote in opposition to the application.
3. Letter from William and Joanna Nastasi wrote in opposition to the application.
4. Letter from Holly and Mike Dansbury indicating several concerns.

David Bruno stated that he met with the applicant and suggested not going forward with the variance application to make this into a single family home. His understanding is that there cannot be 2 single family homes on a single property. Additionally it could not be approved as a guest cottage since there is no primary dwelling on this property at this time.

Holly Dansbury, stated that she is concerned that this run-down garage does not just get a deck put on it. She would rather see a nice home that is in character with the other homes in the neighborhood. The applicant indicated that he does not want this to remain as a single family dwelling and is agreeable to having this be a guest cottage.

Jason Saris stated that they seem to have an accessory use on a property without a primary use, which predates their zoning. A guest cottage is an accessory structure and if they were to approve it as a guest cottage it would require a use variance. However if it is a single family dwelling which is an allowable use, and they would only require any area variance for the deck.

Jason Saris stated that they have a structure that pretty significantly violates the setback, but it predates the zoning and therefore is grandfathered in. However when people make changes to pre-existing non-conforming structures, the system is set up so that people make changes to aid in making the structure more compliant. He is concerned that the investment being made in this property makes it less likely that it will be torn down. Curt Dybas stated that if there is a primary structure on this lot then this will still be an accessory structure that doesn't meet the setbacks. He stated that if they didn't need a deck and accessible stairway the applicant wouldn't have to be before this Board tonight. Jason Saris agreed.

Jeff Anthony stated that he is concerned that the applicant is promising a single family dwelling sometime in the future but they don't have any information about the plans, whether it will fit, landscape, stormwater, etc. He would like to see a more complete plan for the property.

Curt Dybas stated that the applicant does not want to go for a use variance. He stated that they need to find some common ground to allow the applicant to do what he needs to do in order to build a primary residence. He has already invested money into this structure.

John Michaels stated that he agrees with Jeff Anthony and Jason Saris about seeing a complete plan. He would like to see the investment put into the primary dwelling which

will be a conforming structure.

Jason Saris stated that one of the main complaints that he has heard tonight is with regard to the aesthetics of the structure. It sounds like they are committing resources to turn this into a guest cottage so why not do the aesthetic treatment to it now so that it at least looks more attractive. Curt Dybas stated that the answer is two-fold; 1) he is not sure what the plan is for the house in terms of material and structure, and 2) the energy system that is already on the building is way ahead of compliance. The R value is extremely high, he does not anticipate tearing it off to put Adirondack siding on it.

Jason Saris stated that it would be nice to see a complete plan. Unfortunately they have seen where the applicants have the best made plans but 15 years later nothing has happened or is done with the property for one reason or another. Jeff Anthony stated that if they put the money into upgrading the garage he wonders where the incentive will be to build the house. Curt Dybas stated that the applicant is interested in a 3 bedroom home and would not have gone to the extent to put in the septic system and well in if he didn't plan to use it in the future.

Curt Dybas stated that he can appreciate the neighbors' concerns. However he thinks the improvements that have been done recently do show the intent of the applicant to move forward with improving the property. He added that aesthetics is also subjective, what one finds appealing another may not like. He stated that the applicant intends to make it more appealing aesthetically.

Don King stated that the only reason that the applicant is here because of the deck and stair access. The applicant could convert the use over to living quarters inside without the need for a use variance. Curt Dybas stated that the deck adds to the ambiance and the stairs serve a purpose for legal access. However the stairs create an issue because you have to build an enclosed stairway separate from the garage and have an outside door.

Jeff Anthony stated that the stairs are going to be on the southern side of the building which is not visible from the right-of-way. He asked how that will improve the aesthetics. Curt Dybas stated that they put the deck on the south side because it was the least encroaching on the setback. Additionally they cannot put it on the north side because of the garage doors, the east side is right next to the road and on the west side it would be higher and closer to the eaves.

Jason Saris stated that one of the criteria that they use when reviewing area variances is whether or not the benefit could be achieved by something other than an area variance. Curt Dybas replied yes it could. Tony DePace stated that he feels that the staircase should be put inside so that the building could be what it will be without needing the variance. He doesn't understand why the applicant would want to put a deck on a structure that he may not even keep.

John Gramegna stated that he has already installed a septic system for 4 bedrooms. This

structure is only one bedroom and he intends to build a 3 bedroom house. He stated that a few years back he purchased the bed and breakfast Somewhere in Time which he has restored and renovated. There has been a dramatic change to that property. This property will look just as good as that. He stated that the landscaping that he does is impeccable. This property is just as valuable as Somewhere in Time; it has a tremendous view and he would like to build his home here. When he bought Somewhere in Time he anticipated making that his retirement home but it has become such a success as a business he decided to create his home elsewhere.

John Gramegna stated that he has had some issues with his neighbors surrounding Somewhere in Time with regard to operation of the business, parking, etc. That is why he has hired someone with experience in hospitality that will be managing the property to be sure that those issues don't continue and are addressed.

John Gramegna stated that he is willing to turn this dumpy garage into a single family home and improve the aesthetics. However his understanding is that he could convert it to a single family home without doing anything to the aesthetics. He is a businessman who is looking to invest in Lake George. He is willing to improve properties and he does so with local contractors. The people that he brings up here spend their money in the area.

John Gramegna stated that his neighbors will be happy 6 months from now when they see the work that has been done and a foundation that is being put in for his house. He explained that he envisions having his house look like a V, terracing up to about 35'.

Jason Saris asked what type of timeframe does the applicant see this happening. John Gramegna replied that he plans to be done by May 15<sup>th</sup>; landscape, driveway paved and building finished with the deck, if approved.

John Michaels asked if the applicant will remove the kitchen in the guest cottage once the house is built. John Gramegna replied yes. John Michaels asked he if thought that the caretaker would continue to stay without a kitchen. John Gramegna replied that she could continue to stay but the kitchen would need to be removed. John Michaels stated that he would really like to see a plan for this building and the proposed house. There cannot be 2 single family dwellings on a single property. He stated that the applicant will have to come back at another time. Pam Kenyon stated that she plans to have the applicant return to the PB for site plan review of the accessory structure if the house is to be built.

John Michaels stated that he understands what the applicant has done for Bolton and the promises that he is making. However anything could happen to alter those intentions and then what happens to the plan.

Curt Dybas stated that they could turn this into a single family dwelling without having to be here, but in the interim they should come up with a plan on what they want to do with

the exterior, create a planting plan, come up with a plan for the deck so they can seek a variance. This would keep the applicant in the correct timeframe to complete the work on time. Jason Saris stated that would be helpful to him.

Jason Saris stated that the applicant could start the project without having the deck. He stated that the applicant can then address whether or not to put the stairs on the inside or out of the structure. Curt Dybas stated that the deck is a definite and the stairs will not be going away because it just makes sense to build them on the exterior of the garage. Don King stated that he would also like to see a planting plan. John Michaels added that he would like to see the area where they anticipate building the house; it will help them see that it will work and that it will conform.

Jason Saris asked if the applicant would like to table this. Curt Dybas replied yes.

### **RESOLUTION**

**Motion by** Jeff Anthony to table application V12-50 pending further information.

**Seconded by** Don King. **All in Favor. Motion Carried.**

The meeting was adjourned at 8:00pm

Minutes respectfully submitted by Kristen MacEwan.