

**Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, May 15, 2012
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, Tony DePace, Donald King, John Michaels, John Famosi

Absent: Jeff Anthony, David Ray, Zoning Administrator Pamela Kenyon and Counsel Michael Muller

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

Jason Saris asked if there were any corrections or changes to the April 17, 2012 minutes.

RESOLUTION:

Motion by Don King to approve the April 17, 2012 minutes as written. **Seconded by John Michaels.** Tony Depace abstained. **All Others in Favor. Motion Carried.**

Jason Saris indicated that they do not have a full Board and offered to the applicant, at any time they may choose to table their application.

1. **V12-10 TONN, ROBERT & KATHLEEN.** Represented by John MacMillen. To alter single family dwelling, specifically to add a proposed 2 story addition and attached garage with storage above, seek area variance for **1)** a deficient front yard setback. 50' is required, 33' is proposed; and **2)** to alter non-conforming structure in accordance with Section 200-57 B (1) (b). Section 185.19, Block 1, lot 21, Zone RCL3. Property Location: 31 T.L.V. Road. Subject to WCPS review. *NOTE: This is an amendment to V11-61 approved by the ZBA on January 17, 2012.*

Robert Tonn explained that this is an amendment to the variance that was approved in January. Since the approval plans were drawn up by an architect who slightly altered the plan to save them some money. Nothing has changed with regard to the floor plan or the house location. However, he did move the driveway to the front and switched the garage doors. The driveway will be 53' long which is less than previously proposed. Robert Tonn stated that the dormers in front were going to be 16' wide but the new ones are only 10' wide. The dormer on the side of the house is going to be 10'. The driveway will be 28' wide and the original one was 24'.

Robert Tonn stated that the Board had asked for an engineer to look at the septic system. The engineering report provided indicates that the system is functioning satisfactorily.

Jason Saris asked if the 33' setback is the same as last time. Robert Tonn replied yes the

building will not further encroach on the setback.

Jason Saris asked about the size of the garage. Robert Tonn stated that it will be the same at 30' x 30' with the eaves but the garage itself will only be 28' wide. The only thing that switched is the garage doors from one side of the house to the other to make the driveway shorter and more accessible in the winter.

There was no correspondence or comments from the public in attendance.

RESOLUTION

The Zoning Board of Appeals received an application from Robert and Kathleen Tonn (V12-10) 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 Staff;

And, whereas the Warren County Planning Staff 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,
- 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;
- 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 Tony DePace and seconded by John Michaels, it is resolved that the ZBA does hereby approve the variance request as presented. **All in Favor. Motion Carried.**

2. **V12-01 SAGBOLT, LLC.** Represented by Atty. Benjamin Pratt. In accordance with

Section 200-93A (other regulations applicable to Planned Unit Developments), seeks area variance (PUD Amendment) to amend V11-23 to berth the Morgan at the dock extending from the north end of the former boat museum rather than parallel to the shore. Section 171.16, Block 1, Lot 16, Zone PUD. Property Location: 110 Sagamore Road. Subject to LC-LGRP, ZBA, PB, APA and TB review. Subject to SEQR. This portion of the application was tabled at the February meeting pending additional information.

Note: This item was tabled at the applicant's request.

The meeting was adjourned at 6:42pm.

Minutes respectfully submitted by Kristen MacEwan.