

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, May 14, 2019
6:00 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, Holly Dansbury, Brendan Murnane, Joy Barcome, Jeff Anthony, Alternate; Lorraine Lefevre, Zoning Administrator Pamela Kenyon and Counsel, Michael Muller

Absent: Carla Cumming & John Whitney.

The meeting was called to order at 6:00pm.

Jason Saris asked if there were any corrections or changes to the April 16, 2019 minutes.

RESOLUTION:

Motion by Brendan Murnane to approve the April 16, 2019 minutes as presented. **Seconded by**, Joy Barcome. Jeff Anthony & Lorraine Lefevre abstained. **All others in Favor. Motion Carried.**

1. **V18-30 FORTUNA, CHRISTOPHER.** Represented by Richard Fortuna. To allow an 8'x 40' storage container to remain in its present location, seeks area variance for a deficient front yard setback. 50' is required. 0' is proposed. Section 186.00, Block 1, Lot 40.111, Zone RL3. Property Location: 18 Brookside Parkway. Subject to WCPS. This item was tabled at the April 2019 meeting.

This item was tabled at the applicant's request

2. **V19-11 RENDINARO, JOHN & BUTTERWORTH, LYNN.** Represented by Anthony DeFranco. For the placement of a proposed 300 square foot patio/fire pit and steps, seek area variance for a deficient shoreline setback. 75' is required, 6' is proposed. Section 185.00, Block 3, Lot 32, Zone RCL3. Property Location: 7 Bluquill Road. Subject to WCPS, APA and LWRP review.

Anthony DeFranco presented the following:

- This is a shore front project to get safer access to the lake.

- There are many existing steps and platforms that just don't work well to access the lake.
- He detailed the plans to the Board.
- He stated they would like to construct a pathway with wood chips or mulch so they can bring supplies to the lake.
- They will remove a platform and create a more usable patio.
- They will be extending the dock to accommodate their boats.
- They would like to stabilize about 40' of the shore front. They have a lot of wave activity from boats that is scouring the shore front.
- They are proposing to use boulders and grow bags and to do this.
- The patio will be 12' from the lake and 6' above it.
- There will be some boulder retaining walls a couple feet in height and some stone slab steps to the dock.
- There will be another set of steps to get access to the pathway from the shed and house.
- Total disturbance on the plans will be 6,350 sq. ft.
- The total net new impervious area will be about 580 sq. ft.

Jason Saris asked what the dimensions of the shed and retaining wall were. Mr. DeFranco stated 80 sq. ft so 8' x 10'. He said it would be about 12.5' from the shoreline. Zoning Administrator, Pamela Kenyon stated that the retaining wall was not jurisdictional as it was less than 100 sq. ft and only 2' in height. She said the dock did not require a variance either.

Jason asked where the proposed steps were, and Mr. DeFranco depicted them on the plans. He said they were eliminating a platform that was only 2' to 3' from the lake.

Holly Dansbury asked if they were trying to bring the access to the lake around along the grade. Mr. DeFranco said that was correct. He said there was a clear existing pathway that was apparently cut prior to the new owners purchasing the property.

Holly Dansbury asked if all the existing trees depicted on the survey were staying. Mr. DeFranco replied that all trees that were 6" or larger depicted on the survey along the shoreline would not be removed.

Holly Dansbury asked if they were adding boulders and vegetation. Mr. DeFranco said that was correct they would be adding plantings and boulders on the back side of the patio. They would need to work with the existing grade. It may not be as extensive as what is depicted on the plans.

Jason Saris asked if the patio that was going in would be at the existing grade. Mr. DeFranco replied that it was fairly close to the existing grade, they would be building it up a foot or two to create a more level spot and cutting the back out a little bit.

Mr. Rendinero said they built a house there in 2015. Right now, down at the dock there is little or no useable space to maneuver and it is unsafe. There has been heaving and erosion at the shoreline. The space between the deck and the water is only a few feet and he is afraid that

it will wash out. He is not sure why the shore is eroding; it could be from the increased boating on the lake. Their main concern is the safety of getting in and out of the water. It is very difficult to maneuver there, and he has already slipped and fallen doing serious injury to his shoulder while trying to get his kayak in and out, screwing up his shoulder. They would rather remove the existing deck and have more open space giving them more maneuverability.

Holly Dansbury asked if the new deck would be further away from the lake. Mr. DeFranco stated this was correct. The existing deck was about 5.5' at the north end and 8' on the south end from the shoreline and the proposed deck was more than 12' back from the lake.

Mr. Rendinero stated that the conditions right now with the location of the deck, they only have about 15' or 20' of open space to access the lake and this area has heaved and eroded away. They can't even get into the lake and this seems like the only logical place where they would be able to get to it without removing trees and disturbing the shoreline. It is already open in this area, there is just no ability to access. It is treacherous to get in and out the lake at this time. They have 250' of shore front, but there is really only a very narrow portion of land that they can use to access the water.

Jason Saris recommended that they add more photos to their application before it is sent to the APA so they would be able to understand it better as they do not have the opportunity to go to the site like the Board does. Mr. DeFranco said that he understood; pictures would help a lot.

Jason Saris asked if they had considered any other options. Mr. DeFranco stated they focused on this location, because this was the area that would have the least amount of disturbance and destruction to the shoreline.

Holly Dansbury stated that this area is the only space to access the dock.

Jeff Anthony said that the APA would be better served if they documented that they demonstrated that they had looked at alternatives and why they discounted them and document with photos why this was the best location. Mr. DeFranco agreed.

RESOLUTION

The Zoning Board of Appeals received an application from John Rendinero & Lynn Butterworth, (V19-11) 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, 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.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: In order to address the grade and safety, this is the safest location with the least disturbance.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. They are not disturbing the areas and leaving the existing trees.
- 3) The request is not substantial. In the scope of the lot itself it is not.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. They will be fixing erosion issues at the shoreline.
- 5) The alleged difficulty is not self-created. Given the terrain of the site this is the best location. In weighing the factors, 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 Holly Dansbury and Seconded by, Joy Barcome it is resolved that the ZBA does hereby approve the variance request as presented. It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **All in favor. Motion Carried.**

3. **V19-12 FENELON, DAVID.** For the placement of a proposed 10' x 16' storage building, seeks area variance for a deficient side yard setback. 20' is required, 15' is proposed. Section 171.07, Block 1, Lot 62, Zone RM1.3. Property Location: 29 Cobblestone Court. Subject to WCPS and LWRP review

David Fenelon presented the following:

- They are the original owners of the home in the subdivision.
- They have been there for 3 years.
- They need some extra room for storage.
- The way the property is contoured, this is the only feasible location to put the shed.
- It has already been carved out by previous owners who owned the campground as a campsite.
- It is 15' from the corner as opposed to the required setback of 20'.
- It is in the Northwest corner of the property.
- It will be 10' x 16'.
- It will be the same color as the home.

Jason Saris asked if there would need to be any other development such as a road or paving to get to the shed. Mr. Fenelon replied that there would not, and there would not be any trees removed or disturbance.

Lorraine Lefevre inquired about the structure. Mr. Fenelon detailed the shed in the packet.

RESOLUTION

The Zoning Board of Appeals received an application from David Fenelon, (V19-12) 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 #3 of the agenda.

1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: This already has an area that will work perfectly without any disturbance to the site.

2) There will be no undesirable change in the neighborhood character or to nearby properties. It is well hidden from the neighbors.

3) The request is not substantial. The topography only allows for the 15' setback, which 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. It is tucked in the woods where it can't be seen in an area that will not create any disturbance.

5) The alleged difficulty is self-created; but this area of the property allows for the placement of the shed with minimal setback incursion.

In weighing the factors, 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 Brendan Murnane and Seconded by, Jeff Anthony it is resolved that the ZBA does hereby approve the variance request as presented. It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **All in favor. Motion Carried.**

- 4. V19-13 TWIN BOLTON II, LLC.** Represented by Balzer & Tuck Architecture. For the construction of a proposed guest cottage, seeks area variance for 1) Length. 120' maximum is allowed, 123.5' is proposed, and 2) deficient side yard setback. 8' minimum is required, 1.57' is proposed. Section 186.07, Block 1, Lot 7, Zone RCH5000. Property Location: 4804 Lake Shore Drive. Subject to WCPS and LWRP review. This is an amendment to V18-23 approved September 18, 2019.

Jeff Anthony recused himself.

Attorney Jonathan Lapper stated that this project has already been approved by the Zoning Board. They are here tonight to discuss the change in architecture. Even though they are within the footprint of the approval, the Zoning Administrator thought it would be appropriate to come back before this Board to get approval for the revised architecture. During the initial demolition, in accordance with the previous approval, it was determined that the building was not structurally sound and had to be demolished. This created an opportunity for them to improve the architecture and make it look less like a motel building. Everything is the same as what was approved, and slightly smaller in a few places to articulate the façade and make it look more interesting. It is important that it be the same setback because of the way the property lays out.

Trevor Flynn of Balzer & Tuck Architecture presented the following:

- They are reusing the existing lodge.
- They removed 6 cabins and retained two.
- The motel was to be renovated into a 4 bedroom guest residence for the children.
- He detailed the plans and images of the site to the Board.
- The previous approved overall length was 123.5' and the overall width was 22'.
- Once they got into the partial demolition, they realized the foundation and the framing were structurally unstable.
- They had cost estimates done for raising the structure and it was more costly than reframing the whole thing.
- This gives them the opportunity to redesign the structure allowing them to still have a 4 bedroom residence with living and patio space.
- In an effort to stick within the existing footprint, they are still at the 123.5' in length and they have shrunk the width to 20' at the widest part.
- This changes the elevation to break it up from the long stretched out look of a motel.
- They have relocated the new proposed residence back 6' away from the lake and shifted it away from the property line, but the increased overhang keeps the setback the same.
- The overall building is still within the footprint of the existing motel.
- The existing motel building was 175' long and they have decreased it by 51.5'.
- They will be using the same materials.

Jason Saris asked if the height would be the same. Mr. Flynn replied yes.

Holly Dansbury asked if he was moving the structure back from the lake 6' more than what was previously approved and 2' further away from the side setback. Mr. Flynn replied yes, they shifted the whole footprint away from the property line so they could increase the overhangs to shed the water off the roof away from the foundation. Ironically they believe this is what caused the failure to existing foundation as they only had a 9" overhang. Jason Saris said the setbacks would be the same because they count the overhangs in the Town of Bolton. Mr. Flynn stated this was correct.

Holly Dansbury asked why they couldn't move it further from the side yard setbacks. Mr. Flynn stated it was due to the stormwater design for the site.

Holly Dansbury asked how much more disturbance would be caused by not using the existing structure. Mr. Flynn explained that the actual disturbance to the land would be the same.

Jason Saris stated that this is certainly more attractive then what exists.

Holly Dansbury asked if they would need to come back again for any of the other structures so they would not be piecemealing the project. Mr. Flynn stated that they did not intend to.

RESOLUTION

The Zoning Board of Appeals received an application from Twin Bolton II, LLC (V19-13) 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 #4 of the agenda.

1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: They have discussed that this is basically improving the look of a previously approved project.

2) There will be no undesirable change in the neighborhood character or to nearby properties. This is an improvement.

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. Stormwater plans are included with the project.

5) The alleged difficulty is self-created;

In weighing the factors, 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 Holly Dansbury and Seconded by, Joy Barcome it is resolved that the ZBA does hereby approve the variance request as presented. It is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards. **All others in favor. Motion Carried.**

The meeting was adjourned at 6:45 pm.

Minutes respectfully submitted by Kate Persons