

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, October 15, 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, John Whitney, Joy Barcome, Holly Dansbury, Alternate; Lorraine Lefevre, Planning & Zoning Director; Richard Miller and Counsel; Michael Muller

Absent: Carla Cumming, Jeff Anthony & Brendan Murnane

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

Jason Saris asked if there were any corrections or changes to the September 17, 2019 minutes.

RESOLUTION:

Motion by Holly Dansbury to approve the September 17, 2019 minutes as presented. Seconded by, Lorraine Lefevre. All in Favor. Motion Carried.

- 1. V18-02 PIERCE, WILLIAM & LORRAINE.** Represented by Curtis Dybas. Seeks to amend approvals dated February 13, 2018 to alter single family dwelling, specifically to raise the cottage 1' 2" by adding to the top of the foundation, add a 136 square foot addition with fireplace and alter stairs, seek area variance for 1) Deficient setbacks. Front: 50' is required, 20' is proposed. Side: 20' is required, 6' 8" is proposed. Rear: 20' is required, 12' is proposed; and 2) to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 186.18, Block 1, Lot 29, Zone RM1.3. Property Location: 12 The Back Road.

Curt Dybas presented the following:

- They have been cited for a violation of the side yard setback.
- Originally, they were approved for 8' 10" and when it was measured it was 6' 8".
- The issue is the position of the stairway. Originally it was to be straight and now it turns.
- For some reason the bottom three risers had been turned when they were built which was not as on the approved plan.
- The Pierce's like it this way and find it easier to go up and down.
- Everything else has been completed as approved.
- Mr. Dybas stated that a letter of approval from Rainbow Beach Association, for the modification was attached to the file.

Jason Saris stated that he had gone to look at this project with the Code Enforcement Officer and the applicant said they had changed the plan because they thought it would be easier to go up the stairs. After looking at them, they felt that due to the setback change, it should require them to come back.

Jason Saris inquired about the stairs depicted on the plan on the other side. Mr. Dybas stated he did not believe they were not in question here tonight.

No County Impact.

RESOLUTION

The Zoning Board of Appeals received an application from William & Lorraine Pierce (V18-02) 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 #1 of the agenda.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance: It is a pre-existing, non-conforming structure so any changes will trigger a variance.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties.
- 3) The request is not substantial. It is very minor.
- 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 self-created. The stairs could have been put where they were originally approved.

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 John Whitney 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.**

2. **V19-25 FERRI, DEBBIE.** Represented by Brian Johnson. Seeks to alter single family dwelling, specifically to alter front entry way by adding a 55 square foot deck and stairs, seeks area variance for 1) a deficient shoreline setback. 75' is required, 55' exists; Front: 50' is required, 26' exists; and 2) to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 185.00, Block 1, Lot 36, Zone RCL3. Property Location: 458 Trout Lake Road. Subject to WCPS and APA review.

*** The Board tabled this application due to the applicant not appearing. ***

Now, upon motion duly made by Joy Barcome and Seconded by, Lorraine Lefevé it is resolved that the ZBA does hereby table the variance request. **All in favor. Motion Carried.**

- 3. V19-26 BRAINARD, ELIZABETH and MAIER, JOHN.** Seeks to alter single family dwelling, specifically to add a 28' by 23' garage and interior alterations seeks area variance for side setback. 1) Side: 20' is required, 16' 5" is proposed; and 2) to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 200.18, Block 1, Lot 49, Zone RM1.3. Property Location: 61 Hemlock Point Road. Subject to WCPS review.

Elizabeth Brainard & John Maier presented the following:

- Last fall they bought the property and have moved here to make this their permanent residence.
- The screen porch currently has an entrance with a set of steps up to a door in the middle of the porch.
- This existing entrance does not have a landing and they are hoping to add a landing for safety purposes.
- This will make it about 16.5' from the neighbors to the south.
- They have considered other options, but they all had many disadvantages.
- They have turned the steps 90 degrees to minimize the distance they projected from the house.
- There will be no change to the footprint of the building other than the new garage and the landing.
- There will be a net reduction of bedrooms from 4 to 3.
- Their neighbors who will be directly affected wrote a letter in support of the project.

Jason Saris asked if this house met the shoreline setbacks. Ms. Brainard stated that it did. The reason they are a pre-existing, non-conforming structure is due to the eaves on the south east side of the house.

Jason Saris asked if the house was designed to match the existing house. Mr. Brainard stated that it would appearance wise. They would like to match the siding for both the house and garage.

Holly Dansbury asked if they had considered any minor stormwater controls during construction. Mr. Maier replied that they intend to install a silt fence at the minimum, and all of the construction is entirely in the back away from the water.

Jason Saris asked if they had any plans on making a new open area after enclosing this existing area. Mr. Maier replied no. Ms. Brainard stated they want to make this a livable residence without making a big increase on the footprint.

Ed Schieber, neighbor of the applicant stated he was happy to have them as full-time neighbors and welcome the changes they have planned.

No County Impact.

RESOLUTION

The Zoning Board of Appeals received an application from Elizabeth Brainard & John Maier (V19-26) 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: It is a pre-existing, non-conforming structure. They are just adding a landing for safety.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It will be consistent with the neighborhood.
- 3) The request is not substantial. It is a simple landing.
- 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 self-created. It is working with a pre-existing non-conforming structure.

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, John Whitney it is resolved that the ZBA does hereby approve the variance request as presented with the condition that silt fence is used during construction for stormwater mitigation. 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.**

The meeting was adjourned at 6:24 pm.

Minutes respectfully submitted by Kate Persons