

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, September 17, 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, Brendan Murnane, John Whitney, Carla Cumming, Joy Barcome, Holly Dansbury, Alternate; Lorraine Lefevre, Code Enforcement Officer, Mitzi Nittmann and Counsel; Michael Muller

Absent: Jeff Anthony

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

Jason Saris asked if there were any corrections or changes to the August 20, 2019 minutes.

RESOLUTION:

Motion by Brendan Murnane to approve the August 20, 2019 minutes as presented. **Seconded by,** Joy Barcome. **All in Favor. Motion Carried.**

1. **V19-29 SAGAMORE ROAD PROPERTIES, LLC.** Represented by Jeffrey Meyer, Esq. To alter single family dwelling, seeks area variance for 1) a deficient shoreline setback. 50' is required, 48' is proposed; and 2) to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 171.15, Block 3, Lot 59, Zone GB5000. Property Location: 32 Sagamore Road. Subject to WCPS and LWRP review.

Atty. Jeffrey Meyer of Meyer, Fuller & Stockwell PLLC presented the following:

- The owner of the property intends to renovate the existing structure.
- He is staying within the footprint and expanding into the area where he will not be encroaching on any of the setbacks.
- 2 variances are required as the roofline changes.
- The benefit cannot be achieved by any other means because anything that is changed to the exterior of the existing structure requires a variance.
- It is an interior and exterior remodel.
- It will not produce an undesirable change to the environment or neighborhood, it will actually be an improvement.
- It is not a substantial variance request.
- It is not self-created as this house is a pre-existing and non-conforming.

Jason Saris asked if the renovations would increase the encroachments into the setbacks. Atty. Meyer stated they would be increasing the setback to the shoreline by 2'. Jason Saris asked why this was necessary. Atty. Meyer explained that this is the roof eve they need to adequately deal with drainage for stormwater mitigation.

Holly Dansbury asked if the change of the roof line was the reason for the 2' encroachment. Atty. Meyer replied yes, this was the only way to have it pitched properly to divert the stormwater away from the lake.

Lorraine Lefevé asked what they were doing to mitigate the stormwater. Atty. Meyer explained that they would be adding a great deal of landscaping the edges of the black top, but he was unsure as to whether or not they were using gutters or rain gardens.

Lorraine Lefevé inquired about a landscaping plan. Atty. Meyer stated they would be designing one at a later date.

Carla Cumming asked if they were on the town sewer system. Atty. Meyer replied yes.

No County Impact.

RESOLUTION

The Zoning Board of Appeals received an application from Sagamore Road Properties, LLC (V19-29) 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.
 - 2) There will be no undesirable change in the neighborhood character or to nearby properties. This will be improving the exterior and it will be more fitting with the neighborhood.
 - 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. They will be including stormwater mitigation
 - 5) The alleged difficulty is self-created. It is 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, Lorraine Lefevé it is resolved that the ZBA does hereby approve the variance request as presented with the condition that a minor stormwater plan is to be submitted. 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. **V19-24 LAVOY, GARY.** To alter single family dwelling, specifically to extend an existing 11'6" x 4'3" balcony to 16'3" x 8'9", seeks area variance to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 186.06, Block 1, Lot 1.1, Zone RCH5000. Property Location: 4762 Lake Shore Drive. Subject to WCPS and LWRP review.

Holly Dansbury recused herself.

Gary LaVoy presented the following:

- This was originally built with a balcony which was 4' x 11'.
- He is requesting to push it out 5' and make it 5' wider.
- It is within the current footprint of the building.
- The need for the variance is due to the driveway to the marina is considered a right of way and the existing structure is too close to it.
- It meets the shoreline setbacks.

Jason Saris stated that it did not further encroach on the right of way. Mr. LaVoy replied that it did not.

No County Impact.

RESOLUTION

The Zoning Board of Appeals received an application from Gary LaVoy, (V19-24) 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 #2 of the agenda.

- 1) The benefit could be achieved by other means feasible to the applicant besides an area variance: It is a pre-existing, non-conforming structure that does not encroach anymore on the setbacks.
- 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. This is 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 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.**

3. **SD19-04 JTR LAKE GEORGE, LLC.** Represented by Jon Lapper, Esq. and Studio A. Seeks to appeal the August 6, 2019 Zoning Administrators determination classifying the JTR Realty 4 Lot Minor Subdivision designated as Section 200.10, Block 1, Lot 1, Zone RM1.3 as a **major stormwater project** in accordance with Chapter 125 Stormwater and Erosion Control, Section 125-9 B(1) (b). Property Location: 4376 Lake Shore Drive. Sketch Plan Review. Subject to SEQ, LWRP, and APA review.

This item was withdrawn at the applicant's request

ADDENDUM

1. **V18-24 DEPACE, ANTHONY & GAIL.** Represented by Gary Hughes and Tony DePace. To amend approvals dated September 18, 2018 to demolish and rebuild single family dwelling, seek area variance for 1) Deficient setbacks. Front: 50' is required from the private right-of-ways. 5' is proposed on the southwest side and 18.5' is proposed on the southeast side. Sides: 8' minimum is required, 5' is proposed. Section 186.06, Block 1, Lot 12, Zone RM1.3. Property Location: 6 Belle Lodi Lane.

Jason Saris explained that this application had already been approved and they were here for an amendment.

Gary Hughes & Anthony Depace presented the following:

- They were here a year ago when they were given approvals for the project as it was drawn.
- In reviewing it for the sign off, the Code Enforcement Officer found some discrepancies.
- There were approved for 5.6' and they are 5'.
- There is also a 22' proposed north side dimension and he believes it is on the south side.
- He believes it just a few inches that someone missed along the way.

Jason Saris explained that they are basically proposing exactly what this Board approved as far as the building. Unfortunately, the birds eye view of the building did not include the eaves on

the roof of the covered porch. They made the measurements from the existing porch which was not covered so there were no eaves on it. Basically, nothing has really changed from what they had looked at as far as what they were presenting, just the measurements changed because they did not measure the eaves. Unfortunately, they did not catch this nor did the applicant.

No County Impact.

RESOLUTION

The Zoning Board of Appeals received an application from Depace, Anthony & Gail, (V18-24) 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 with conditions;

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:

Now, upon motion duly made by John Whitney and Seconded by, Brendan Murnane it is resolved that the ZBA does hereby accept the findings from the previous approval and amend the variance from September 2018 to the extent that the request has not changed, but the measurement of the actual setbacks of the project were made incorrectly and have now been corrected. 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