

**Town of Bolton**  
**ZONING BOARD OF APPEALS**  
**MINUTES**  
**Tuesday, September 15, 2020**  
**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, Holly Dansbury & Brendan Murnane, Jim Senese, Alternate; Lorraine Lefevre, Planning & Zoning Director; Richard Miller PE and Counsel; Michael Muller

**Absent:** Joy Barcome & Jeff Anthony

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

**RESOLUTION:**

**Motion by** Lorrain Lefevre to approve the August 18, 2020 minutes with a correction to page 2 where it states *Holly Barcome asked Mr. Volkmann if the addition would take the distance from the two structures from 30' to 8'*. It should read as follows; Holly Dansbury asked Mr. Volkmann if the addition would take the distance from the two structures from 30' to 8'.

**Seconded by,** Brendon Murnane. **All in Favor. Motion Carried.**

- 1. V20-20 Schilling, Carl:** Represented by Carl Schilling. To construct a new deck at rear of house. Seeking area variance for 1) deficient side set back. 20' is required, 6' is proposed; 2) deficient rear setback. 20' is required, 18' is proposed and 3) to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 171.15, Block 1, Lot 85, Zone RM1.3. Property Location: 3 Elm Street. Subject to WCPS and LWRP review

Carl Schilling presented the following:

- The rear setback is no longer requested.
- The back will be 25' off of the road and 18' off the side of the house.
- He has included a letter from the neighbors who it will affect stating they have no issues.
- He submitted letter from the neighbor on 5 Elm Street who does not have any problems with the project because it will not affect her due to the fact that he has reduced the size of the deck.

Jason Saris asked if this could be done in any other way. Mr. Schilling replied no, it would be too small and not wide enough to be very usable. He detailed the plans to show where it would be located and showed how it was 2' from the end of the house. The total length of the deck will be 25' and will fill in the L shape of the house, connecting a couple of the doors off from the back.

Holly Dansbury asked what he reduced the size of the deck from. Mr. Schilling replied he reduced it 10' from the back of the house.

Jason Saris read letters from the following neighbors:

- Cathy Converse with concerns for the new fence and burning of debris.
- Sandra Kenney with no objections for the project.

Mr. Schilling stated that Ms. Converse had an inaccuracy in her letter. The fence was put exactly where the old fence was on the property line between them. The fence did not get moved closer to her property. It did get moved by the back of his house. He did apologize for burning cardboard and he has stopped. John Whitney asked what the fence has to do with the deck. Jason Saris stated that whether the property is in compliance should have some bearing. John Whitney said there is nothing from the Zoning Office stating there were any issues. The letter is talking about civil issues. Mr. Schilling stated that the fence was not moved closer to her property line. The only place it was moved closer was on his property line.

## **RESOLUTION**

The Zoning Board of Appeals received an application from Carl Schilling (V20-20) 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.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance. They are adding the deck to a pre-existing, non-conforming house.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. They are improving the house with a deck.
- 3) The request is not substantial. It is a small deck.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. This is a deck behind a fence.
- 5) The alleged difficulty is self-created. This is a pre-existing, non-conforming structure. 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. 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. **V20-21 Steiner, Jay & Amy:** Represented by Hutchins Engineering, PLLC. To demolish an existing garage and construct a new 35' x 45' 3-bay garage/carriage house. Seeking area variance for 1) a deficient setback from wetland. 75' is required, 18'-7" is proposed; and 2) to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 140.00, Block 1, Lot 12, Zone RL 3. Property Location: 651 Federal Hill Road. Subject to WCPS, APA and LWRP review

Lucas Dobie of Hutchins Engineering, PLLC presented the following:

- He detailed the property to the Board.
- There is an older garage that will be torn down.
- They are minimizing their clearing with the proposal and they need zoning for the wetland.
- They are moving the garage footprint 5' further away from the wetland from what presently exists.
- They will be reconstructing the driveway to modern standards, providing stormwater management along with a new well and Elgin septic system.
- It does not make any sense to push the building on to the slope where they would have to do extensive earth work.
- There is an earthen driveway to the north closer to Indian Brook, but that would require variance too as it is basically wetlands.
- This proposal will require minimal clearing.
- This is a modest proposal for the 3.5 acre lots.

Jason Saris asked if the carriage house was a guest quarter. Mr. Dobie said they had a lake house in North West Bay, and this would be for storage of boats and cars with occasional use for living space above.

John Whitney inquired if there were any other residences on the property and if they planned on adding any other residences to the property. Mr. Dobie replied no, and not that he is aware of.

Holly Dansbury asked if this would be the primary residence for the property. Jason Saris replied that it would.

Lorraine Lefevé asked if they would be removing the existing structure. Jason Saris replied yes.

Lorraine Lefevé asked for the height of the peak on the building. Mr. Dobie said he estimated it to be 32'. John Whitney asked if the 18'-7" would be 5' more compliant than what currently exists. Mr. Dobie replied that was correct, they slid it 5' further away from the wetlands. John Whitney asked if due to slope and wetlands if there was not a more practical area place to the building or if they could move it even further from the wetlands. Mr. Dobie replied in order to have egress room for the driveway this is as tight as they can go. It is a heavily wooded area.

Email correspondence inquiring about primary residence.

## **RESOLUTION**

The Zoning Board of Appeals received an application from Jay & Amy Steiner (V20-21) 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 not be achieved by other means feasible to the applicant besides an area variance. The topography of the plot is that it would be very difficult to site this in any other area on the land. It is largely over the footprint of the pre-existing building and is 5' more compliant than the previous structure.

2) There will be no undesirable change in the neighborhood character or to nearby properties. This is a rural area.

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. To put it elsewhere would create a bigger impact.

5) The alleged difficulty is not self-created. It is due to the lay out of the land. There is a clear practical difficulty with respect to the setback to the stream and not being able to meet the required 75' setback which is related to the layout of the property itself.

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, Brendan Murnane 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. V20-22 DeLorenzo, Steve & Tammie:** Represented by Schroder Rivers Associates. To demolish an existing garage and construct a new 13' x 20.5' garage with an opened shed of the east wall of the new garage and a new deck 8'-6" x 45'. Seeking area variance for 1) a deficient front setback. 75' is required, 27'-5" is the existing condition; and 2) to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 141.17, Block 1, Lot 1, Zone RCL-3. Property Location: 5648 Lake Shore Drive. Subject to APA, WCPS and LWRP review.

Carl Schroder of Schroder Rivers Associates presented the following:

- The first part of this project is to replace an existing dilapidated single car garage on almost the same footprint.
- It will be about 1' wider and 6" longer than the existing garage.
- The second part of this application is to construct an extension to the rear deck on the house.
- The existing building and garage fall in the front yard setback which requires a variance.
- The work they are doing will not bring any part of the building any closer to 9N, the work will not make the pre-existing, non-conforming structures any more noncompliant than they already are.

Lorrain Lefevé stated the garage was in terrible shape and in need of improvement and this will be a big improvement to the neighborhood and the property. This looks like the next stage of improvement to the property. Mr. Schroder replied that it will give them a little more usable space outdoors, due to the steep drop.

John Whitney asked why it was subject to APA. The Board stated that they did not believe it was. Atty. Muller stated thought they were right.

**RESOLUTION**

The Zoning Board of Appeals received an application from Steve & Tammie DeLorenzo (V20-22) 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. The existing residence and garage are non-conforming, and they are just improving them.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. This will be an improvement to the property and the structure that is falling down.
- 3) The request is not substantial. Built on basically the same footprint.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. They are improving the structures.
- 5) The alleged difficulty is self-created. This is a pre-existing, non-conforming structure which they are improving.

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, Jim Senese 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. **V20-15 Bishop, Josh:** Represented by AJA Architecture. To construct of a new single family dwelling and accessory structure. Seeks area variance for height of principal structure related to a skylight located over the center stairway. 35 feet is allowed; 37.5 feet is proposed. This is under the allowable chimney height of 40 feet. Seeks deficient setback from easement from side of accessory structure; 50' is required; due to topographic issues 0' is proposed. Section 212.04 Block 2, Lot 3, Zone RM1.3. Property Location: 16 Diamond Ridge Road. Subject to APA, WCPS and LWRP.

Holly Dansbury recused herself.

Andy Allison of AJA Architecture presented the following:

- They are here for 2 variance requests, 1 for an encroachment on an easement and the other for a height variance.
- The project consists of a main house and then an accessory structure/garage on the back.
- The actual property is divided down the middle which he detailed on the plans to the Board.
- The garage/accessory structure sits up on the easement road that connects to a lot in the back corner.
- They looked for the flattest area where they could put this garage and store a boat.
- They have tried to minimize the encroachment.
- They about 17' into the easement but a good 8' to 10' off the edge of the established roadway.
- The second variance is due to the skylight that sits over the stairs going up the middle of the building.
- The reason they have it elevated above the roof is due to the confluence of all the roof lines there.
- They are asking for 2.5' of relief, but they are under the chimney height.
- They are far from neighbors and it will not be seen or obstructing views.

Jason Saris asked how tall the ridge line of the house was without the skylight. Mr. Allison replied 34' 6" from the lowest grade to the ridge of the entire house, under the 35' for the entire structure.

Lorraine Lefevre asked why they needed the 2 extra feet. Mr. Allison stated that it was where all of the roof lines converged at the ridge and they wanted to raise it up so water would not get into it. It is a way to handle the water.

Jason Saris asked if it was a 2 story structure. Mr. Allison replied that it was 2 story with a walk out basement below. He detailed it on the plans. Jason Saris asked if the roof line was 34' 6" from the walkout. Mr. Allison replied yes. Jason Saris asked how high it would be from the rest of the surrounding area. Mr. Allison replied 24.5'. He said that there are no neighbors.

Jason Saris asked what the dimensions of the guest quarter garage were. Mr. Allison stated that it was about 24' x 30'. He said they looked at turning it the other way so that it would not encroach as much, but it made it very narrow where they would be trying to put in the boat and vehicles. This was the optimal area for placement. They looked at an easier place to build, but it would require a substantial amount of tree removal.

Jason Saris inquired about the entrance for it. Mr. Allison detailed it on the plans. Jason Saris asked if someone parked in front of the garage door if they would be in the right-of-way. Mr. Allison said no. The owners have an interest in constructing the garage/guest cottage first so they can live in it while the house is being built.

John Whitney asked if there was a lake view. Mr. Allison stated that there was not much of a view as it is quite treed in. John Whitney asked if the sky light would be reflective from the lake. Mr. Allison replied no, they took that into consideration and changed it to be flat and straight up.

Jason Saris asked if they owned the property on either side of the right-of-way. Mr. Allison replied yes. Jason Saris asked if there was any consideration given to relocating that right-of-way. Mr. Allison replied that the road was already in and established. It was already cut into the hillside. Relocating would probably cause more harm. He said it was pretty steep above it.

Jason Saris read a letter from Opportune Times LLC stating they had no concerns with the height variance, but they objected to the setback variance on the property line owned by Opportune Times LLC. Jason Saris stated he was not sure what property line they were referring to. Mr. Allison said that Opportune Times LLC owned in back and he thinks they may not understand where the setback is. He said they could contact them and clarify to them where the setback is.

John Whitney asked if the easement had to be 50' wide. Mr. Allison stated it was written in the deed that way. John Whitney asked if they could rewrite the easement to ask for a positive setback. Mr. Allison stated he could check, but it is in the neighbor's deed.

## **RESOLUTION**

The Zoning Board of Appeals received an application from Josh Bishop (V20-15) 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. (height)

1) The benefit could not be achieved by other means feasible to the applicant besides an area variance. This is relatively minor and below what is allowed for a chimney. It has no impact on the view.

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 self-created. This is a self-designed house.

The benefit to the applicant is not outweighed by the potential detriment to health, safety and welfare of the community.

The application of the applicant is as described in Item #4 of the agenda. (garage/guest house)

1) The benefit could not be achieved by other means feasible to the applicant besides an area variance. This is a setback against a right-of-way through the property that affects one other property owner, who is agreeable to the request. The topography does not lend to placing the garage easily on any other area of the property.

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

3) The request is substantial. They are significantly into the setback

4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Placing the garage here will lessen any disturbance to the property and would be more favorable to the environment

5) The alleged difficulty is self-created. The easement exists where they are placing the garage.

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, Brendan Murnane 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. Holly Dansbury recused herself. **All others in favor. Motion Carried.**

- 5. V20-16 Volkmann, Andrew & Donna:** Represented by Tenee Casaccio. To alter single family dwelling and detached garage. The single family alterations will consist of a complete renovation for optimal energy efficiency with the addition of a first floor master bedroom and bathroom and relocated laundry area and half bath. The existing

apartment which is part of the garage will have its first floor entry way and second floor bathroom updated. Seeking area variance for 1) a deficient setback. 20' is required, 6'-10" is proposed; 2) increase allowable lot coverage from the existing 16.4% to 23.6% and 3) to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 171.19, Block 1, Lot 70, Zone RM 1.3. Property Location: 15 and 17 Dula Place. Subject to WCPS and LWRP review.

Tenee Casaccio presented the following:

- She is here to discuss the goals and details of the requested area variance request.
- She is focusing on the 5 factors that must be considered by the Board.
- She would like to show that the benefit to the applicant receiving this variance, far outweighs any perceived detriment to the health, safety and welfare to the community.
- There will be no undesirable change to the character or detriment to nearby properties.
- She passed out handouts with aerial photographs and detailed them to the Board.
- None of the properties in this neighborhood meet the 20' setbacks.
- Some are newer and some are pre-existing.
- The vast majority of the highlighted properties have setbacks less than what the applicant is requesting.
- The variance is consistent with the character of the neighborhood.
- In many cases there are already closer than the 8'.
- There is no impact to the Whitney property on the one side.
- The 8'.6" between houses will only be the 23' length of the master bedroom.
- The entire length of the house is 48'.
- Ground level egress will not decrease the space between the houses. This is a window well emergency egress from the basement. It will have no impact and is at grade.
- The addition will have no impact on the view of the Neville's own back yard.
- If they turn their heads and look completely to the left, they will see the house and the addition is within. It is not really a change to what they are viewing.
- Donna Volkmann is an environmental scientist and has plans to improve the back yard and so the Neville's view into the Volkmann's backyard will be enhanced.
- There will be no impact on air flow and shadows from the roof line will not cast any further than what exists, except perhaps in the winter when the sun is already low in the sky, but the house and the trees already block that.
- Ground water flow from the addition was a concern, but the stormwater requirements will fully comply and there will be no stormwater flow onto the neighbor's property.
- This will not create an urban alley between the homes; it will still be green space as proposed.
- Urban alleys do exist in that neighborhood, but this will remain green space and be in keeping with the neighborhood.
- There are no practical or legal requirements to get an emergency vehicle behind the Neville's house. Now, as it stands, the only way back to their property would be over the Volkmann's property.
- This is a legacy home for a family that has been in Bolton over 100 years.

- They desire to retire to this area, keep the home in their family, to have a ground floor master bedroom and retain the privacy of their back yard.
- The applicant has explored other options which she handed out and detailed to the Board.
- This applicant is asking for nothing more than what exists in the neighborhood.
- They tried putting the bedroom on the other side of the house which would necessitate moving the driveway to the other side and create an urban alley. It would be a far greater setback and make the garage unusable.
- Shifting the addition to the back of the house would block access from the living area to the back yard and would necessitate moving the patio. It would greatly compromise the interior flow.
- Putting the addition on the front of the house would require a complete redesign of everything done to date and have all of the previously mentioned drawbacks.
- As proposed, there are only high fixed windows in the addition and will have no privacy issues between the two structures.
- This achieves the stated goal of maintaining privacy to the back yard.
- The living area appreciates the views to the back yard.
- The addition adds visual interest from all sides of the house.
- Due to the lack of associated impacts including the character of the neighborhood, the variance is not substantial.
- The variance will have no adverse effects or impact on the physical or environmental conditions of the neighborhood.
- This is a non-conforming lot.
- The Volkmann's are hoping to keep their property for their children and grandchildren.
- This not being developed for sale, renting it on Air BNB or pushing to make a multi-family home.
- When viewing the self-created nature of the variance through the lens of the impact, the variance will have it, but you will also find that it is insubstantial.

Jason Saris asked if any consideration was made to change the addition dimensionally to limit the push to the property line. Ms. Casaccio replied that it would limit access to the bathroom, and they would lose the ability to use the walk in closet. In using this for retirement, the Volkmann's would like to have sufficient space for the ability to have access to the bathroom with a wheelchair if needed. Holly Dansbury said making it narrow would make it an unfunctional bedroom.

John Whitney asked if option B would also require a variance. Ms. Casaccio replied yes. John Whitney said his main problem continues to be that they have a huge backyard that they could push back into. It may not be perfect. It is an old house and it is a congested neighborhood. There were not setbacks in the day but there are now and there does not appear to be any reason to allow it. It does not look as they meaningfully considered alternatives; this is a justification. Ms. Casaccio asked which of the five criteria would apply there. Mr. Whitney replied that he believes it is substantial and it is self-created, which is all he needs.

Veronica Fitzgerald stated that they were not trying to be difficult neighbors, but this addition will cause there to be very little space between their houses and is still quite considerable. They have spent many summers here and also like their home to stay in the family for generations. The number one issue is that the house was built before zoning was put in place and is 18" from the property line. The variance requested only allows for 8' between the structures which is such a very little space between homes. She knows that there will be no intention for stormwater issues, but she is concerned that unintentionally it will affect them. She appreciates that the point was made that just because a variance was made previously, it does not have to set precedence. Even though there are very tight spaces sometimes between the houses in the neighborhood and the town, she hopes it will not set a precedent to this situation because it will really compromise their living and enjoyment of their home.

Matt Fitzgerald said they bought the house in 1979. The code calls for a 20' setback and they are looking for 6' from the property line and 8' between the houses. They have had no contact from the Volkman's to see what they have changed. They were not given any of the changes or proposals that were handed out tonight, so they are not prepared to address them.

Ms. Casaccio said that prior to last month's meeting the applicant had sent all the information to the Neville's and asked that if they had any concerns that they contact them. They live in Virginia and are not allowed to travel here. They went on the points that were presented and the suggestions that were presented at last month's board meeting to address all the concerns. She upholds that the view will not change, and stormwater has been addressed and is not detrimental. The Neville's have a small building on their property that is as close, or closer to the neighboring Dodge property than this addition will be, and the Dodges did not come in and have an issue with it. She would just ask for their trust that will be a very nice project that will enhance their property and give them a much more pleasant back yard to look at although it is not on their property.

Holly Dansbury said that one of the main things that the Board had asked for was that they consider other options and they have. Ms. Casaccio stated that any other option will also require variances. John Whitney stated that it is "any other means feasible" and this is a big deep lot and there are plenty of places to do this, it's just inconvenient. You are supposed to have 40' between houses now and he understands that you can't fix it, but this is making it dramatically worse. Holly Dansbury said they could have requested the whole building, but this is just a portion of it. The desire to have a master on the first floor is significant for an applicant because it is a big issue as people get older. They could have made the whole house 6' closer, but they only want the portion for the bedroom. You can't have a building that looks like a big long trailer; it would not aesthetically look good. John Whitney said the lots are too close and you can't have a normal shaped building if the lots are not normally shaped. That is the problem, these are narrow lots to start with and the houses are already encroaching, and this 100% yes. There is no question in his mind that there are alternatives available. Ms. Casaccio stated that the zoning law suggests that the Zoning Board review the 5 criteria and no more. The detriment to nearby properties or change of character to the neighborhood, she believes, through the density of the neighborhood and setbacks that exist, it is very clear this would not do this.

Ms. Casaccio asked if Mr. Whitney would be impartial with his vote. John Whitney stated he believed he could, he was an adjacent property owner. He said many board members were in town. He appreciated her concern. Ms. Casaccio said his parents were neighbors and so was he. John Whitney stated that the variance did not involve his parents or him. Ms. Casaccio said there was an appearance of conflict. John Whitney stated he did not believe there was one. Atty. Muller stated that it was John Whitney's decision and if he feels that there is an impropriety it is his call. John Whitney said he had no concerns and he had considered it. There are a lot of properties in town that they have to weigh in as Zoning Board members and this one is no different. Ms. Casaccio replied with the exception that he lives across the street from it and parents are next to it.

Atty. Muller told the Board to stick to the criteria and properly analyze it with fact finding and they will have a good resolution.

Brendan Murnane said that there were other options and it does not seem like they really looked into changes. He said they could push it back. Ms. Casaccio stated it would increase the setback and would not help the Neville's with their view of the Volkmann's yard. It would also not work with access from the second story.

Ms. Casaccio said that the Volkmann's have been working for 18 months with a designer to come up with a plan that meets their stated goals and minimizes the impact to the property. She offered to try to show different options without the expense of them going through the designer again. In her mind she knows the master bedroom on the back does not work. He would not want your guests going through your bedroom to access the back yard. Making it long and like a shotgun house is not in keeping with the character of the neighborhood. The addition will add a level of interest to the house and be nicer to look at.

John Whitney stated that there are alternatives available, they have not made any real attempt to find middle ground with the neighbor and it is a significant request. The houses are already tight. He is sure it will be gorgeous, but that is not part of the criteria. It is not about what he looks like, or a building project anywhere near where he happens to be. It is the fact that the houses are already tight. It is a deep lot, and there are alternatives available, which is his concern.

Jason Saris said he looks at it as anything they do will need a variance. He does not think it is that simple. Sometimes further encroachment can be a better overall solution than a more compliant variance. Personally, he questions the degree of impact and what the neighbor's expectations can be when their house was built virtually on the property line. Granted it was there first, but nevertheless it makes it awkward for anyone else to do anything. John Whitney said he was not arguing that at all. They did not get any real new information. Holly Dansbury said the Board was presented with alternative locations. Ms. Casaccio said it was clear which way Mr. Whitney was leaning and she asked if he would please think carefully about if the benefit of applicant receiving the variance far outweigh the consider the perceived detriment to the health, safety and welfare of the community. She said the stated goals of the applicant are a ground floor master bedroom that is usable as they age and use into their existing backyard.

Mr. Fitzgerald said that when they bought the property the house was there. They moved here on the cusp of the new zoning requirements being instituted. This Board has the zoning to consider and a set of standards to follow. This is substantial variance from the standards that have been set.

## **RESOLUTION**

Holly Dansbury made a resolution to approve V20-16 with the condition of minor stormwater management to be implemented. This resolution did not receive a second from the Board.

John Whitney stated he would love to see it tabled and worked out between the neighbors. He did not want to oppose it, but it is substantial, and they have raised a reasonable objection although there is no requirement for them to do this.

Ms. Casaccio said she had heard earlier in the meeting that one letter from a neighbor does not make a variance case. In this case, they have not heard from any other neighbors in the area. She believes that the closeness that the existing Neville house already is to the Volkmann property line can't be changed, so she does not know what level of addition they would even consider. They can't put a bedroom on that side of the house and not go out a certain distance and come closer to the neighbor's house because of where they are. She can't see a solution that will achieve the stated goals of the applicant without a variance.

Now, upon motion duly made by John Whitney and seconded by, Brendan Murnane to table V20-16 at the applicant's request. **All in favor. Motion Carried.**

The meeting was adjourned at 7:43PM.

Minutes respectfully submitted by Kate Persons