

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, February 23, 2021
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 Joy Barcome, Holly Dansbury, Jeff Anthony, Jim Senese, Dan Sheridan, Planning & Zoning Director; Richard Miller, PE and Counsel; Michael Muller

Absent: Alternate; Lorraine Lefevre

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

RESOLUTION:

Motion by Joy Barcome to approve the January 19, 2021 minutes **Seconded by Brendan Murnane. All in Favor. Motion Carried.**

- 1. V21-01 Shannon LoBue:** Represented by James Miller. To convert existing garage to living space. Seeking area variance for 1) a deficient southern front setback. 50' is required, 30.4' is existing and 2) to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 171.19, Block 1, Lot 61, Zone RM1.3. Property Location: 4 Evergreen Lane. Subject to WCPS and LWRP review.

James Miller of Northfield Design presented the following:

- They would like to turn an existing garaged into a bedroom for the residence.
- They do not plan on enlarging the existing building and will be staying within the existing footprint.
- They will be adding windows and new siding.
- This is a pre-existing, non-conforming structure which he believes requires variance relief.

Atty. Muller explained that any modification or alteration to a pre-existing, non-conforming structure requires a variance.

Jason Saris asked if the garage is presently being used for parking or storage. Ms. LoBue gave a brief history of the property and stated that the garage is presently being used as storage and has not been used as a garage since the 70's.

Jason Saris stated that this change would not affect the way the home has been used for the past number of years or surrounding neighborhood. Ms. LoBue agreed. She said this will only enhance the property and raise the value of the properties in the neighborhood.

Jason Saris asked if they planned on continuing to use this home for personal use. Ms. LoBue replied yes.

Holly Dansbury asked if this area would be for sleeping only. Mr. Martin said that there would be a small area with a refrigerator and a sink no cooking area.

Jim Senese inquired about a bathroom addition. Mr. Miller replied that they would be adding a bathroom. Jim Senese asked if they would be running sewer lines next to the neighboring properties. Mr. Martin said the water would be coming from the existing house and the waste would go behind the existing house and tie into the line. Holly Dansbury asked if this would affect the septic in any way. Mr. Miller stated that they were on municipal sewer.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Partners are for Dancing, LLC (V21-01) 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 utilizing existing space without increasing non-conformity.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. This will enhance the neighborhood.
- 3) The request is not substantial. They are staying within the existing 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 structure.
- 5) The alleged difficulty is not 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 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.**

2. **V21-02 Robert O’Keefe:** Represented by AJA Architecture. Seeks to make alterations to exterior finishes, windows and doors. Add second floor addition consisting of a residential apartment over restaurant. Add covered patio extension and stairwell addition and green space. Seeking area variance for 1) a deficient east front (9N) setback. 30’ is required, 8.5’ existing, 5.4’ is proposed; 2) a deficient north front (Common Drive) setback. 30’ is required, 5.0’ existing, 4.2’ is proposed; 3) a deficient south side setback. 8’ is required, 0.0’ is existing; 4) a deficient total side setback. 20’ is required, 4.2’ is existing; and 5) to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 171.15, Block 1, Lot 59, Zone RCH5000. Property Location: 4947 Lake Shore Drive. Subject to WCPS and LWRP review.

Andy Allison and Sara Tuttle of AJA Architecture presented the following:

- They are looking to make the main restaurant more appealing, add a second floor apartment and rectifying the egress in the small parking area while keeping within the character of downtown.
- The expansion is the second story.
- The existing property has a patio that was granted in 2016.
- The expansion toward the property lines will be less than the existing patio.
- They are renovating the apartment into 2 apartments.
- They are proposing to go down to 2 parking spaces as opposed to the existing 5.

Jason Saris stated that the total number of parking spaces would be diminished for the restaurant. Mr. O’Keefe stated that 2 spots were for the apartment and the other 3 were for the restaurant. Jason Saris stated that they had received a previous parking variance and if they were changing this, they would need a new parking variance. He stated that the application did not request a variance for parking. He said that the applicant could return next month for a parking variance and they could move forward with what was on the agenda now. Mr. Allison said this would be fine.

Holly Dansbury said they had a very nice design. She questioned the parking buffer and the sidewalk. Mr. O’Keefe explained that the buffer was for the building and the doors not the parking lot. Mr. Allison detailed the buffers on the plans. Holly Dansbury asked if the doors were for the owners or the customers. Mr. Allison replied it was for staff and egress for the kitchen area.

Holly Dansbury asked if the back apartment had a kitchen and bathroom. Mr. Allison replied yes. Holly Dansbury asked if they would need 4 spaces for parking if it was 2 apartments. Mr. O’Keefe said it was one apartment, his son was living in one and they were in the other. Jason Saris said he believed it was one apartment with one entrance so would only require 2 parking spaces. Holly Dansbury stated she did not understand how they could consider it a 1 apartment as they are 2 separate apartments connected by an outside breezeway. Mr. Allison said they both had separate entrances. She asked if they could address this when they come back for the variance. Atty. Muller stated that they would consider this when they came back for the parking variance. Mr. Allison said they would work with Rich Miller on whether or not it was considered 2 apartments.

Holly Dansbury stated that they have put conditions on other buildings on main street of the hamlet to not allow grilling or storage on the upstairs balcony’s or porches. Mr. Allison replied that this

was a reasonable request for the balcony facing 9N. Mr. O’Keefe replied that he did not understand why they would not allow grilling. He said this was sort of the nuance of a deck and it was not right on the main road or sidewalk. Mr. Allison suggested using the back patio for grilling.

Holly Dansbury asked if there would be any thought in expanding the patio over the roof in the future. Mr. Allison said there was not. Ms. Tuttle explained the plans and the stormwater runoff from the roof and deck.

Jason Saris said he had no problem with grilling, but he did have a problem with storage on the deck. Mr. O’Keefe stated he had plenty of storage in the stairwell going in the building.

Joy Barcome read a letter of support from John Whitney.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Robert O’Keefe (V21-02) 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, 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. They are taking an existing non-conforming structure and improving and enhancing it.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. This will fit in well with the existing 2 story building.
- 3) The request is substantial. They are encroaching very minimally on the setbacks that exist.
- 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 well thought through design.
- 5) The alleged difficulty is not 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 Brendan Murnane, it is resolved that the ZBA does hereby approve the variance request as presented with the following condition; There is to be no storage or grilling on the upstairs balcony. 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 6:44PM.

Minutes respectfully submitted by Kate Persons