

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, September 21, 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, Holly Dansbury, Joy Barcome, Jim Senese, Alternate; Lorraine Lefevre, Planning & Zoning Director; Richard Miller, PE, Town Planner; Joshua Westfall, AICP, and Counsel; Michael Muller

Absent: Brendan Murnane, Jeff Anthony & Dan Sheridan,

The meeting was called to order at 6:02pm.

Jason Saris asked if there were any changes or corrections to the August 17, 2021 minutes.

RESOLUTION:

Motion by Jim Senese to approve the August 17, 2021 minutes **Seconded by Lorraine Lefevre All in Favor. Motion Carried.**

Jason Saris told all the applicants that they were welcome to table their applications due to the low number of Board members.

1. **V21-22 528 Third Ave Partners REVISED**: Represented by Studio A. Seeking area variances for one townhouse buildings with four townhouse units (Building A). Requested Variances are as follows:
 1. Overall density on the site for Buildings A: 1 principal building is allowed on the 0.69 acre site, 4 principal buildings are proposed;
 2. Overall setbacks for Building A – front setback 50 feet is allowed, 4 feet is proposed; side setback 20 feet is allowed, 12 feet is proposed; shoreline setback 75 feet is allowed, 54 feet is proposed.
 3. Individual units in Building A
 - a. Unit A-1 – Minimum lot area 1 acre (43,560SF) is required, 1080SF is proposed; Front setback 50 feet is allowed, 0 feet is proposed; side setbacks (each side) 20 feet is allowed, 0 feet is proposed; rear setback 20 feet is allowed, 0 feet is proposed; percent building cover 15% is allowed, 100% is proposed; Minimum lot width 125 feet is required, 24 feet is proposed; and minimum lot depth 150 feet is required, 45 feet is proposed.
 - b. Unit A-2 – Minimum lot area 1 acre (43,560SF) is required, 1080SF is proposed; Front setback 50 feet is allowed, 0 feet is proposed; side setbacks (each side) 20 feet is allowed, 0 feet is proposed; rear setback 20 feet is allowed, 0 feet is proposed; percent building cover 15% is allowed, 100% is

proposed; Minimum lot width 125 feet is required, 24 feet is proposed; and minimum lot depth 150 feet is required, 45 feet is proposed.

- c. Unit A-3 – Minimum lot area 1 acre (43,560SF) is required, 1080SF is proposed; Front setback 50 feet is allowed, 0 feet is proposed; side setbacks (each side) 20 feet is allowed, 0 feet is proposed; rear setback 20 feet is allowed, 0 feet is proposed; percent building cover 15% is allowed, 100% is proposed; Minimum lot width 125 feet is required, 24 feet is proposed; and minimum lot depth 150 feet is required, 45 feet is proposed.
- d. Unit A-4 – Minimum lot area 1 acre (43,560SF) is required, 1080SF is proposed; Front setback 50 feet is allowed, 0 feet is proposed; side setbacks (each side) 20 feet is allowed, 0 feet is proposed; rear setback 20 feet is allowed, 0 feet is proposed; percent building cover 15% is allowed, 100% is proposed; Minimum lot width 125 feet is required, 24 feet is proposed; and

Section 171.19, Block 1, Lot 75, Zone RM1.3. Property Location 25 Goodman Avenue. Subject to WCPS and LWRP review.

Jason Saris explained that very often this Board refers applications as large as this, to the Planning Board for an advisory opinion before the ZBA acts on the application.

RESOLUTION

Now, upon motion duly made by Joy Barcome and seconded by Jim Senese, it is resolved that the ZBA refer V21-22 to the Planning Board for their advisory opinion. **All in favor. Motion Carried.**

- 2. **V21-20 Rossi:** Represented by John Buschelli. Seeking area variance to alter a non-conforming structure in accordance with Section 200-57B(1)b. Seeks to extend house 4 feet to the west and to reconstruct an existing deck on the southeast corner of the house. Variances are as follows: 1) front setback 30 feet is required, 11 feet exist, no change is requested, 2) side setback, 8 feet is required on one side, 9 feet exist, no change is requested; total side, 20 feet is required, 24 feet exist, 20 feet is requested and 3) rear setback, 15 feet is required, 4 feet exist, no change is requested. Section 171.15, Block 3, Lot 13, Zone GB5000. Property Location 10 Hondah Loop. Subject to LWRP review.

John Buschelli presented the following:

- This is a small summer cottage.
- The existing cottage was constructed over 60 years ago and sits on piers.
- They are seeking to replace the existing cottage with a year-round home.
- A neighbor to the west has concerns this application.
- This property has an existing 17' wide driveway and the neighbor has a 14' wide driveway.
- He suggests that as not to squeeze the driveway so narrow is to have a variance for 2' on the east side and 2' on the west side to make it a total 3.5' wider than the existing house.

- He explained that the measurements submitted were not exactly correct.
- He is trying to correct this with changing the footprint to be 2' more on the east and 2' more on the west instead of all 4' on the west.
- They would shift the addition 1.5' to the east
- They would be shifting the addition 2' to the west reducing the 17' driveway to 15' wide.

Holly Dansbury stated this request does not match the drawings. Jason Saris stated this was true as it was the owner's drawings, not Mr. Buschelli's. Director of Zoning & Planning Rich Miller stated the only variance they are looking for is 1.5' on the east side. Mr. Buschelli agreed. Jason Saris asked if they would need to resend notices for the proposed changes to the application. Atty. Muller said the change is minimal and does not need to be noticed again.

Holly Dansbury stated that they had asked for drawings at the last meeting and now the one submitted is incorrect. Jason Saris said it was a little confusing as the map shows 13' and Mr. Miller keeps saying 20'. Mr. Miller said the drawing is wrong and he measured it, so he knows it is 17' from the side property line, not 15'. He said it is only a .5' variance that is required now. Atty. Muller said he wished he could agree with that, but he doesn't. Mr. Buschelli stated this change was to accommodate the neighbor's driveway and the new house that is 4' wider. The Board discussed the changes and the uncertainty of the project. Mr. Buschelli suggested they go with the Mr. Miller's interpretation as he had been to the property. Jason Saris told Mr. Buschelli that he should ask for the relief he thinks he needs. Mr. Buschelli replied that he is looking for 1.5' on the east side and 2' on the west side.

Jason Saris asked if there was any other way achieve the benefit the applicant wants. Mr. Buschelli stated this would reduce the requested space by almost 50 sq. ft. of house. The applicant has three kids and needs a couple of extra bedrooms which any reduction would limit. There is municipal water and wastewater so the additional bedrooms would not be a factor.

Holly Dansbury asked if it was a reduction from a two story home to a single story home. Mr. Buschelli replied this was correct.

Jim Ferris, the neighbor to the west said he believes by making these proposed changes, it will work for both Mr. Rossi, his cousin (who is property owner to the east) and himself. He believes this is a cut and dry solution.

Mr. Buschelli stated that time was of the essence as there were building restrictions in this area.

The Board discussed the project stating that according to Mr. Miller the only relief sought is 0.5'. The applicant is compliant on one side and the other side is in question as to how much relief is needed. The applicant is stating he is looking for 1.5' on the east side and 2' on the west side.

Joy Barcome asked if they were all good with the notification aspect. Atty. Muller replied yes, it was a minor change to the application.

Jim Senese asked if the total relief requested was 1.5' on the east side. Atty. Muller stated this was correct.

RESOLUTION

The Zoning Board of Appeals received an application from Joseph and Jill Rossi (V21-20) 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. The dwelling was built in 1946 and they want to update to meet their family needs.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. This project will improve the neighborhood and is the only house in the neighborhood that has not been improved.
- 3) The request is not substantial. They are only asking for a footprint increase of 328 sq. ft.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. It should improve the neighborhood.
- 5) The alleged difficulty is not self-created.

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 Lorraine Lefevre and seconded by Jim Senese, it is resolved that the ZBA does hereby approve the variance request as presented with a 1.5' increase on the east side. 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 Opposed. **All others in favor. Motion Carried.**

3. **V21-24 Norowal Marina Inc.**: Represented by Matthew Fish. Installation of a concrete walkway 116 feet long by 6 feet wide along new sheet pile wall. Seeking area variance for waterfront setback 50 feet is required, 0 feet is requested. Section 171.15, Block 3, Lot 36.1, Zone GB5000. Property Location 21 Sagamore Road. Subject to WCPS and LWRP review.

Jason Saris recused himself.

Matthew Fish, manager of Norowal Marina presented the following:

- They are requesting a variance for a 116' x 6' walkway against the new bulkhead that was installed 2 years ago.
- There was an existing wooden walkway that was torn out at the time of construction, and it was not replaced at that time.
- They are just looking to make the area safer for pedestrians with the least impact by the waterway.
- There are posts that keep the cars back and they are trying to level out the bulkhead area with the walkway to make it safer.

Holly Dansbury asked if they considered using any other materials. Mr. Fish stated that they went with concrete as it would have the least amount of impact and have the least amount of maintenance. She asked if they thought of permeable pavers. Mr. Fish said no because they would not be set indefinitely.

Lorraine Lefevre asked what they would be doing to safeguard the lake during construction. Mr. Fish said if anything they would boom off the lake. It was really a minimal procedure.

RESOLUTION

The Zoning Board of Appeals received an application from Norowal Marina Inc. (V21-24) 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 #3 of the agenda.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance. For the purpose as discussed, this makes sense.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. This will make the area safer.

- 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. There was a wooden walkway and Bulkhead previously. The practical difficulty is that this walkway is an integral part of the sheet pile wall and should be up against and at this sheet pile wall. This is the only area to place this walkway.

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 Jim Senese 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.

Jason Saris Abstained. All others in favor. Motion Carried.

4. **V21-25 Maxim Management and Walter Lamb**: Represented by Gregg Biche. Seeking area variance to alter a non-conforming structure in accordance with Section 200-57B(1)b. Seeks to construct a 20 foot 6 inch by 11 foot 6 inch addition to the rear of the structure. No dimensional variances are requested. Section 171.15, Block 3, Lot 49, Zone GB5000. Property Location 46 Norowal Road. Subject to WCPS and LWRP review.

Gregg Biche presented the following:

- This is an addition to the rear of the cabin for storage.
- It will be built to look like the rest of the cabin.
- They can't currently have a shed in this HOA so they thought this would be the best solution.
- This addition will not effect any of the neighbors and will fit into the natural landscape of the lot and existing house.

Holly Dansbury asked if this was pretty much the only place you could put it. Mr. Biche replied yes.

Jason Saris asked for clarification as there is no dimensional variance requested. Mr. Miller said they were granting alteration to a non-conforming structure. Atty. Muller said that it seems that it is a pure change in the structure to a pre-existing non-conforming structure that does not compose a setback issue. Jason Saris asked why the building was non-conforming if it met all the setbacks. Mr. Miller stated that the front of the building was too close to the road. He explained the front was not being expanded. Jason Saris said this means there are no further encroachments on the non-conforming setback. Mr. Miller agreed.

RESOLUTION

The Zoning Board of Appeals received an application from Maxim Management and Walter Lamb (V21-25) 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. This is the only spot on a pre-existing, non-conforming structure where they are looking for enclosed storage.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It actually fits into the neighborhood well.
- 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 that is not encroaching any more on the setbacks.

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 Joy Barcome 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.**

5. **V21-26 Maxim Management and Walter Lamb:** Represented by Gregg Biche. Seeking area variance to alter a non-conforming structure in accordance with Section 200-57B(1)b. Seeks to construct a 17 foot 6 inch by 8 foot 8 inch deck with handicap access to main entrance of house. Variance requested is for rear setback, 15 feet is required, 5 feet 9 inches exist, 4 feet is requested. Section 171.15, Block 3, Lot 45, Zone GB5000. Property Location 37 Norowal Road. Subject to WCPS and LWRP review.

Gregg Biche presented the following:

- This is a deck which on one side will be almost ground level.
- The intention is for aging in place.
- The deck and proposed ramp will allow entrance to the house all on one level.
- The deck will be consistent with an existing deck and tucked away from the neighbors.

Lorraine Lefevre asked if they would be adding on to two sides of the structure. Mr. Biche replied no, just one side.

Holly Dansbury asked if this was the same as the previous application with the structure being pre-existing, non-conforming and not encroaching on any setbacks. Mr. Biche replied that this was correct.

Jason Saris read a letter of concern of a fence encroachment and any property line encroachments from Larry Fogelson.

Jason Saris stated this sounded like a civil matter and this Board had no authority to grant any relief on someone else's property.

RESOLUTION

The Zoning Board of Appeals received an application from Maxim Management and Walter Lamb (V21-26) 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, 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 #5 of the agenda.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance. This is the most logical and safe location to put this entrance to the house.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. It will blend in with the home.
- 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. This will fit in with the neighborhood.
- 5) The alleged difficulty is not self-created. This is a pre-existing, non-conforming structure that will not be encroaching any further into the setbacks.

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.**

The meeting was adjourned at 6:59PM.

Minutes respectfully submitted by Kate Persons