

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, March 8, 2022
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: Zoning Board of Appeals Chairman Jason Saris, Zoning Board of Appeals Members: Joy Barcome, Holly Dansbury, Robert Kennedy, Jim Senese; Planning & Zoning Director – Richard Miller, PE; Town Planner – Joshua Westfall, AICP, Town Counsel – Mary Kissane

Absent: Alternate Town Counsel – Brian Reichenbach; Zoning Board of Appeals Members; Jeff Anthony and Dan Sheridan; Zoning Board of Appeals Alternate – Lorraine Lefevre,

The meeting was called to order at 6:00 p.m.

Minutes Approval: Jason Saris asked if there were any changes or corrections to the March 8, 2022 minutes.

RESOLUTION:

Motion by Holly Dansbury to approve the March 8, 2022 minutes as presented. Seconded by Joy Barcome. All in Favor. Motion Carried.

- V22-02 Boccicchio.;** Represented by Gabriel Carter – Roots Industry. The applicant seeks an area variance related to front yard setbacks per requirements of §200-15. The applicant seeks to expand master bedroom and garage in non-conforming structure. Applicant seeks minimum 19’-1.5” setback front yard setback, 22’-9.25” existing, 50’ required. Total front yard setback relief is 30’-10.5”. As structure is non-conforming, the applicant seeks modification approval per §200-57 for rear yard setbacks currently 8’-11.25”; 20’ required. Zoning Districts: RL3 and RM 1.3. Section 171.11 Block 1 Lot 37. Location: 66 Woodland Ridge. Subject to APA, WCPS and LWRP Review.

Gabriel Carter of Roots Industry detailed the plans to the Board and presented the following:

- The existing structure is non-conforming.
- Proposed changes are minor.
- The addition proposed will be an 8’ extension lengthwise of the garage.
- The top floor will be extended out over the garage, opening up the master bathroom making it more usable.

Jason Saris asked if it would look consistent with the existing house aesthetically.

Mr. Carter replied yes, they would also like to replace the siding with a more updated siding with the same look and feeling.

Jason Saris asked if there would be any change in exterior lighting.

Mr. Carter replied, no.

Robert Kennedy asked if they would be doing any landscaping around the structure.

Mr. Carter stated they may be removing a couple of diseased trees, but they would be providing a privacy screen of trees for consideration of the neighbors.

Bob Fellama, President of the Woodland Ridge Homeowners Association addressed the Board and stated the following:

- The Association would require landscaping to screen new decking from neighboring properties.
- The extension of the garage is about 50% of what exists.
- The new entryway would need dark sky compliant lighting if changed.
- The Woodland Ridge Association Board has approved this project.

Joy Barcome asked if there would be landscaping to screen the project.

Mr. Carter replied yes.

RESOLUTION

The Zoning Board of Appeals received an application from Boccicchio (V22-02) 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 benefit could not be achieved by other means feasible to the applicant besides an area variance. This is a minor extension to a pre-existing non-conforming structure.
- There will be no undesirable change in the neighborhood character or to nearby properties. This will be an improvement and add to the aesthetics of the neighborhood.
- The request is not substantial.
- The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- 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 Joy Barcome and seconded by Robert Kennedy, it is resolved that the ZBA does hereby approve the variance request as presented with the following conditions:

- 1) There shall be landscaped screening.
- 2) All exterior lighting is to be “dark sky compliant” and downward facing and shielded.

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. **V22-03 Lake George Club;** Represented by Hutchins Engineering. The applicant seeks an area variance related to shoreline setback requirements per §200-15, shoreline regulations per §200-37 and for maximum cut requirements per §200-46, for the construction of a new maintenance building. Applicant seeks a 33’ shoreline setback; 75’ shoreline setback required; total shoreline setback relief requested is 42’. Applicant seeks to place stormwater basin within 5’ of the top of slope from a stream bed, 10’ clearing limitation applies per §200-37(B)(6); relief requested 5’. Applicant seeks allowable cut to be increased to 11’ from 6’; relief requested is 5’. Zoning Districts: RM 1.3 and LC 25 with construction occurring only in RM 1.3. Section 213.09 Block 1 Lot 6 Location: 4000 Lakeshore Drive. Subject to APA, WCPS and LWRP Review.

Tom Hutchins of Hutchins Engineering presented the following:

- The applicant seeks a more sizeable structure to store equipment and boats.
- The property totals about 57 acres with 44.5 acres being located west of NY-9N.
- Property east of NY-9N is well encumbered by facility activities and uses.
 - There is a long-range consideration of a future wastewater project which is envisioned to encumber currently vacant space on the east side.
- There is an existing road cut on the west side which would be improved.
- The applicants agents met with DOT engineers, and they concur that this would be the best access point to get to the proposed building.
- The building will be about 180' off the highway.
- It will be very difficult to see from the road.
- This proposal limits clearing as tight as possible.
- The site is not flat, and they have done a bunch of test excavation to find the best location to try and minimize the disturbance, and this area minimizes development impacts.
- There is a small intermittent stream that runs parallel to the proposed drive which is fed by a man-made pond further up on the site.
- The stream qualifies as a shoreline, and this is their challenge.
- The building is 33' from the stream.
- There is a cut limit that will be exceeded in two portions of the driveway for a safe entrance to the parcel and near where the driveway reaches the building.
- He detailed this on the plans.

Jason Saris stated that the shoreline setbacks are there to provide a buffer for the stream. He asked if there would be any runoff from the development that would reach the stream.

Mr. Hutchinson replied not without treatment. He depicted two stormwater treatment areas on the plans and explained how they would work. He said they have a stormwater plan which shows a modest decrease.

Jason Saris inquired about runoff from the drive out on to the road.

Mr. Hutchins stated DOT would be watching them on this and they would need to go through a permit process with them. He detailed a DOT catch basin on the plans that went under the road and onto the property on the east side.

Jason Saris asked if they would be making sure drainage would not run onto NY-9N.

Mr. Hutchins replied that they would have to, and that they would need to prepare a detailed cut plan for DOT.

Robert Kennedy asked if the driveway would be paved.

Mr. Hutchins explained that they would need to pave a minimum of 50' for DOT. They may go with gravel for the remaining portion. This would not be seeing a lot of traffic.

Holly Dansbury asked if there would be a well and septic for the building.

Mr. Hutchins replied yes, there is a bathroom and wash sink for the maintenance employees.

Holly Dansbury inquired about the colors of the storage building.

Mr. Hutchins replied that it was a wood framed, metal sided storage building that would be either black or dark brown.

Holly Dansbury asked if the building would be strictly for storage and maintenance.

Mr. Hutchins replied yes, it would not be used commercially, and only used by Lake George Club staff only.

Holly Dansbury asked if they had considered moving the road further south to alleviate the shoreline setback issue.

Mr. Hutchins stated the road was already cut in and this was the best location with the least amount of disturbance due to the steepness of the terrain.

Jason Saris read a letter featuring concerns by the LG Waterkeeper relating to the granting of the variances.

Tom Hutchins said he has discussed the project with the Lake George Waterkeeper – Mr. Navitsky, and they have taken considerable effort to minimize the disturbance and have developed a considerable landscaping plan to minimize any impacts, and that he feels that the best and most feasible site for the garage on the entire property is west of NY-9N. He said he discussed locating the structure east of NY-9N with the club members, however due to numerous factors the property west of NY-9N is most suitable.

Joy Barcome asked why it would not be feasible on the east side of 9N.

Mr. Hutchins stated there was not a lot of open space available due to parking, recreation facilities and they are in the works to upgrade the wastewater system for the entire property on this side.

Jason Saris stated he thought that there would be aesthetic considerations too.

Mr. Hutchins stated they have put a lot of consideration into this.

Robert Kennedy asked if the Club was planning to propose more buildings.

Mr. Hutchins replied that he did not believe so. He said they were in the process of designing a large upgrade to their wastewater system.

Jason Saris said reducing stormwater measures can be just as effective as a 75' buffer to the stream.

Jason Saris asked about the practical difficulty.

Mr. Hutchins said the logic was that the drive was already there and topographically this was the best and only area to place this building. They are putting in measures to best protect the stream.

Jim Senese said it appeared that they would be losing parking spaces if they placed this on the east side and he asked how many.

Mr. Hutchins stated they would be sacrificing approximately 30 to 40 parking spaces.

Holly Dansbury said aesthetically this building would not blend well with the existing structures on the east side.

Jim Senese asked Mr. Navitsky what sites he was referencing on the east side for the structure.

Mr. Navitsky said they feel that it may fit on the east side in the area north of the tennis courts or somewhere away from the parking spots. It seems as though, there are means to come up with options other than clearing for the building.

Mr. Hutchins stated they had evaluated several other options. His numerous discussions with the Building Committee have been with them directing him that the building be on the west side.

RESOLUTION

The Zoning Board of Appeals received an application from Lake George Club (V22-03) 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.
- The benefit could not be achieved by other means feasible to the applicant besides an area variance. For the purposes that have been discussed.
- There will be no undesirable change in the neighborhood character or to nearby properties.
- The request is somewhat substantial.
- The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. As discussed, landscape and stormwater plans will be implemented.
- The alleged difficulty is self-created.
- Practical difficulty was demonstrated by the steep terrain and the utilization of a pre-existing non-conforming drive.
- 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 Robert Kennedy and seconded Holly Dansbury, it is resolved that the ZBA does hereby approve the variance request as presented with the following condition:

- 1) The landscape plan is to be included with the development of the plans.

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. **V22-05 Salamone;** The applicant seeks an area variance per §200-15 to construct a 10' X12' shed. Applicant seeks 8' side setback; 20' side setback required; Applicant seeks 12' relief. Zoning District RM 1.3. Section 186.00 Block 18 Lot 1. Location: 24 Nightingale Lane. Subject to APA, WCPS and LWRP Review.

Tabled at the Applicants Request

4. **V22-06 Lake Shore, LLC. (Kaufman);** Represented by Jeffrey Meyer, ESQ. The applicant seeks a variance related to §200-57 (B) the modification of a nonconforming structure. The applicant seeks to construct a deck to the rear of the property and perform interior renovations. Structure is nonconforming as it is located within the front yard setback where 50' is required. No encroachment shall be made into required setbacks. Zoning District; GB 5000. Section 171.15 Block 2 Lot 47. Location 4985 Lake Shore Drive. Subject to APA, WCPS and LWRP Review

Attorney Jeffrey Meyer presented the following:

- This is essentially an interior renovation.
- This is a pre-existing, non-conforming lot that triggers the need for a variance.
- They are removing the handicap ramp in the rear and replacing it with a 140 sq. ft. deck.
- The encroachment is less than what currently exists.
- This is in the rear of the building and is essentially invisible from the street.
- Located anywhere else would further impact the adjoining property owners.

Jason Saris asked if they were increasing any of the non-conformity.

Atty. Meyer replied, no.

Jason Saris asked if they would be adding any exterior lighting.

Atty. Meyer replied not that he was aware of on the deck.

RESOLUTION

The Zoning Board of Appeals received an application from Lake Shore, LLC (Kaufman) (V22-06) 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.
- The benefit could not be achieved by other means feasible to the applicant besides an area variance. This is a non-conforming structure.
- There will be no undesirable change in the neighborhood character or to nearby properties. This is an improvement.
- The request is not substantial.
- The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- The alleged difficulty is self-created. This is a non-conforming, pre-existing 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.

The meeting was adjourned at 6:55 p.m.

Minutes respectfully submitted by Kate Persons – March 16, 2022

Reviewed by Joshua Westfall, AICP- March 17, 2022