

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, April 12, 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: Chairman Jason Saris, Joy Barcome, Robert Kennedy, Dan Sheridan & Holly Dansbury, Jim Senese; Planning & Zoning Director - Richard Miller, PE; Town Planner - Joshua Westfall, AICP & Town Counsel – Mary Kissane

Absent: Alternate - Lorraine Lefevre & Jeff Anthony

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

1. V22-07 Nahaczewski.; Represented by StudioA. The applicant seeks multiple area variances related to front and side-yard setbacks, and to exceed maximum cut depth. Requests are as follows:

- The applicant is requesting 41’ front yard setback, 50’ required; the applicant seeks 9’ front-yard setback relief per requirements of §200-15.
- The applicant seeks 10’ and 17’ side-yard setbacks for the southeastern and northwestern side-yards respectively, 20’ required; the applicant seeks 10’ and 3’ of relief respectively per requirements of §200-15.
- The applicant seeks a 12’ allowable cut, 6’ is required; the applicant seeks 6’ of relief per §200-46(B)(3).

Zoning District RL3. Section 171.07 Block 1 Lot 42. Location: 20 Horicon Valley Lane. Subject to APA, WCPS and LWRP Review.

Matt Huntington of Studio A presented the following:

- This is a relatively small lot
- Much of this area has already been cleared.
- The slope is 26% to 30%.
- The variance is required due to the slope and the need for retaining walls.
- The applicant is proposing a relatively modest house.
- They are using a precast retaining wall to keep the disturbance to a minimum.
- The front yard encroachment is for the stairs to get into the house.

- They have attempted many different feasible ways to create the least amount of disturbance and variances.
- He detailed the stormwater and wastewater systems and said they would be using an enhanced Presby system.

Jason Saris asked if they would need to do any drilling or blasting.

Mr. Huntington stated they did not believe so at this time.

Jason Saris inquired about the height of the structure.

Mr. Huntington stated it would be under the 35’.

Jason Saris asked the dimensions of the house.

Mr. Huntington stated it was 26’ x 42’ and about 1,000 sq. ft.

Robert Kennedy & Holly Dansbury inquired about the steps.

Mr. Huntington stated they were on the front of the home, and this was the only feasible area to place them.

Robert Kennedy asked the height of the retaining wall.

Mr. Huntington stated that at the maximum height it would be 12’.

Holly Dansbury inquired about the stormwater.

Mr. Huntington detailed it on the plans. He said there would be three eight-inch (8’) drywells.

Correspondence:

- Planner Westfall read an email correspondence of opposition from neighboring property owners Brian Shea & Denise Danz.

Dan Sheridan asked where the majority of the stormwater would be diverted to.

Mr. Huntington stated most of it would be going into the drywell systems and a rip rapped swale system which he detailed it on the plans. It would not be channelized off the property.

Jason Saris asked if he could state with confidence that there would be no increase of runoff toward the neighboring property.

Mr. Huntington replied yes. Jason Saris stated that by the virtue of the grade being changed and an undeveloped lot without stormwater controls this project should create less.

RESOLUTION

The Zoning Board of Appeals received an application from Nahaczewski (V22-07) 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.

The benefit could not be achieved by other means feasible to the applicant besides an area variance. This is a small lot where the applicant has worked to place the home with the minimum number of variances.

There will be no undesirable change in the neighborhood character or to nearby properties. This will be an improvement of the stormwater on the lot.

The request is not substantial. This is positioned in the only realistic place for minimum disturbance.

The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. A lot of thought was put in the design.

The alleged difficulty is self-created. This is a small home. 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 Robert Kennedy, 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. V22-05 Salamone; The applicant seeks two area variances per §200-15 to construct a 10' X12' shed. Requests are as follows:

- Applicant seeks 18' side-yard setback; 20' side-yard setback required; applicant seeks 2' relief from side-yard setback requirements.
- Applicant seeks 36' front-yard setback; 50' front-yard setback required; Applicant seeks 14' relief from front-yard setback requirements.

Zoning District RM 1.3. Section 186.00 Block 18 Lot 1. Location: 24 Nightingale Lane. Subject to APA, WCPS and LWRP Review.

Anne Salamone presented the following:

- They are looking to construct a 10' x 12' shed.
- They are asking for 2' of relief from the property line.
- The doors of the shed will face toward their home.
- The majority of the property is a wetland, and this is why they need to place the shed in this area.
- The other area they looked at had steep grades and this was the only feasible area to place the shed.
- The color will probably match the home.

Correspondence:

- Planner Westfall read an email correspondence from John Warner neighboring property owner in favor of the project.

RESOLUTION

The Zoning Board of Appeals received an application from Salamone (V22-05) 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. Due to the topography and wetlands this was the only feasible area to place this shed.

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

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. It is just a shed with little or no disturbance.

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 Dan Sheridan, 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 6:26 PM

Minutes respectfully submitted by Kate Persons
Minutes Reviewed by Joshua Westfall 4/14/2022