

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, May 10, 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 & Holly Dansbury, Planning & Zoning Director - Joshua Westfall, AICP & Town Counsel – Mary Kissane

Absent: Alternate - Lorraine Lefevre, Dan Sheridan & Jim Senese

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 April 12, 2022 minutes.

RESOLUTION:

Motion by Joy Barcome to approve the April 12, 2022 minutes as presented. Seconded by Holly Dansbury. All in Favor. Motion Carried.

1. **V22-08 DePace;** The applicant seeks to add a second story to existing non-conforming structure pursuant to §200-57. The existing first floor use will remain the same use. The second story will include a 1,250 sq./ft. guest house and 1,785 sq./ft. enclosed storage space. Zoning District RM1.3. SBL: 186.06-1-10.1. Location: 14 Belle Lodi Lane. Subject to APA, WCPS and LWRP Review.

Kristen DePace stated that they are proposing to redo an existing storage barn to gain more usable space.

Joy Barcome asked for the finished height. Ms. DePace stated it will be under 35’.

Jason Saris asked if they would be expanding the existing footprint. Ms. DePace replied, no.

Robert Kennedy asked if it was just going up one story and straight across. Ms. DePace replied yes and detailed it on the photos.

Jason Saris asked if she knew how long the existing structure had been there. Ms. DePace replied, a long time.

Holly Dansbury asked if they would be adding any stormwater during construction. Ms. DePace replied they would use silt fence for construction.

Robert Kennedy asked about the other setbacks. Ms. DePace stated there was a side setback, encroachment by the existing building. Holly Dansbury inquired if there would be

any other further encroachment into the setbacks from what already exists. Ms. DePace replied, no they are just going up.

Correspondence: No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from DePace (V22-08) 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. They are not changing the footprint on a pre-existing, non-conforming structure. They are only building upward.

There will be no undesirable change in the neighborhood character or to nearby properties. It models what already exists.

The request is not substantial. They are only going up on and not changing footprint.

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 not self-created. It 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. 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. **V22-09 Anderson;** The applicant seeks two area variances per §200-15 to construct a 10' X 13' addition. To protrude 10' from the western side of the existing structure and 5' from the northern side of the existing structure. Requests are as follows: • Applicant seeks 6.5' side-yard setback; 15 side-yard setback required; applicant seeks 8.5' relief from side-yard setback requirements. • Applicant seeks 34' and 47', north and south respectively, front-yard setbacks for new addition; 50' front-yard setback required; Applicant seeks 16' and 3' relief from front-yard setback requirements. Zoning District RCM 1.3. SBL: 156.20-1-21. Location: 7 Cottage Lane. Subject to APA, WCPS and LWRP Review.

Mark Anderson presented the following:

- They would like to back off the side of their cabin about 10' and extend the back side about 6'.
- On the side it is an encroachment to the 10' setback.
- Their neighbors are fine with this.
- This is to expand the bedrooms and bathroom.
- There will be no height adjustments.
- They are considering just putting a whole new roof on.

Jason Saris asked if the reason they were expanding in this area and not a more compliant area Anderson replied yes, and they also did not want to expand toward the lake.

Correspondence: No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Anderson (V22-09) 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, this makes sense for the applicant.

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.

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 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. **All in favor. Motion Carried.**

3. **V22-10 Somma / Jaeger;** The applicant proposes to construct a pool and patio area adjacent to existing home. The applicant seeks approval for constructed 10' high retaining

wall in accordance with §200-46(B)(3). Zoning District: LC25. SBL: 139.00-1-13.2. Address: 413 County Route 11. Subject to APA, WCPS and LWRP Review.

Kurt Jaeger presented the following:

- They were requesting an *after the fact* variance.
- When originally constructing the house the grade of the land behind the house did not have much holding the soil there, so they put rocks in to stabilize while excavating.
- They were advised that they put a small wall down the side which they did after asking and were told it was not a problem.
- They then decided to put a pool in, and they extended the wall further off the house and came across the front.
- When they applied for a pool, they were told they needed to get a variance for the wall because it was not on the original approved plan.
- They had an engineer look at this and give his recommendations which they have included in the application.

Jason Saris asked what the requested area variance for the wall was. Planning & Zoning Director - Joshua Westfall, AICP stated that the height of the wall exceeds 6'. Jason Saris asked if it met the setbacks and cut and fill regulations. Planning & Zoning Director - Joshua Westfall, AICP replied yes. Jason Saris said they were basically only asking for relief of 4' on the wall height. Planning & Zoning Director - Joshua Westfall, AICP stated that this was correct.

Robert Kennedy inquired what the wall was made of. Mr. Jaeger replied, poured concrete and they have included all of the specifications in the application. It is a 12" wall that sits on an 8' wide footer.

Correspondence: No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Somma/Jaeger (V22-10) 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.

The benefit could not be achieved by other means feasible to the applicant besides an area variance. This wall needs to be where it is at to accommodate the pool.

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

The request is not substantial. It is only a 4' additional height.

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. They needed it to stabilize the area.

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.**

The meeting was adjourned at 6:20 PM
Minutes respectfully submitted by Kate Persons
Reviewed by J. Westfall 6/6/2022