

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, October 11, 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, Jim Senese, Robert Kennedy, Dan Sheridan, Joy Barcome, David Kneeshaw, Alternates - Lorraine Lefevre & Henry Caldwell Acting Planning & Zoning Director - Joshua Westfall, AICP & Town Counsel – Brian Reichenbach

Absent:

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 September 13, 2022 minutes.

RESOLUTION:

Motion by Joy Barcome to approve the September 13, 2022 minutes as presented. Seconded by James Senese. **All in Favor. Motion Carried.**

New Business

1. **V22-25. 528 Third Ave Partners** Represented by Studio A. Seeking several area variances related to §200-15 for two (2) residential structures, to include three (3) townhouse units and a detached garage. Specific variance for each unit are enumerated below:

- Proposed Unit A-1 in Building A:
 - *Front Yard Setback: 50' required, 10' proposed; 40' of relief requested.*

Proposed Unit A-1 Lot

- *Front, Side, Total Side and Rear Setbacks: 50', 20', 40' and 20' required; 0' proposed. Relief from complete dimensional front, side, total side and rear setback are requested.*
- *Percent Lot Coverage: 15% required, 100% proposed; 85% lot coverage relief requested.*
- Proposed Unit A-2 in Building A:
 - *Shoreline Setback: 75' Required, 63.75' proposed; 11.25' of relief requested.*
 - *Front Yard Setback: 50' required, 10' proposed. 40' of relief requested.*

- *Rear Yard Setback: 20' required, 2+/- 'proposed. Approximately 38 +/- 'of relief requested.*

Proposed Unit A-2 Lot

- *Front, Side, Total Side and Rear Setbacks: 50', 20', 40' and 20' required; 0' proposed. Relief from complete dimensional front, side, total side and rear setback are requested.*
- *Percent Lot Coverage: 15% required, 100% proposed; 85% lot coverage relief requested.*

- **Proposed Unit B-1 in Building B:**

- *Shoreline Setback: 75' required, 21.5' proposed; 53.5' of relief requested.*
- *Front Yard Setback: 50' required, 10' proposed; 40' of relief requested.*

Proposed Unit B-1 Lot

- *Front, Side, Total Side and Rear Setbacks: 50', 20', 40' and 20' required; 0' proposed. Relief from complete dimensional front, side, total side and rear setback are requested.*
- *Percent Lot Coverage: 15% required, 100% proposed; 85% lot coverage relief requested.*

- **Proposed Garage:**

- *Shoreline Setback: 75' required, 68.75' proposed; 6.25' of relief requested.*
- *Side Yard Setbacks: 20' required, 10' proposed; 10' of relief requested.*

Per 200-40 and 200-15, the following variances are sought:

- **Proposed Building A and B:**

- *Number of Multiple Family Dwellings Permitted: One; Proposed: 3; Relief Requested: 2 additional units.*

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

Lorraine Lefevre recused herself for this item.

Atty. Jon Lapper presented the following:

- Previously they had submitted an application for 4 units and this Board sent them to the Planning Board for recommendations.
- The Planning Board stated they were not comfortable with 4 units, so they have submitted a new application consisting of 3 units.
- There are 3 structures on the property now and they are seeking to remove them and put 3 new units on the property.
- This property does not have any stormwater controls on it now.
- They are proposing similar setbacks to what exists now.
- The 100% lot coverage is due to them being townhouse lots.
- They believe this project will be a major improvement to what exists now.
- There will be 1 garage space and 1 parking space per unit.

Jeff Anthony from Studio A presented the following:

- He depicted the submitted plans to the Board.
- They will be no closer to the street than what presently exists.
- In terms of lot coverage 15% required and they are at 17%.
- It is impossible to meet the setbacks with a townhouse in the Town of Bolton due to the way the code is written.
- They pulled the garage closer to the property line due to a request from the neighbor to use it as a wall between the two parcels.
- They will be utilizing town water and sewer.
- They will landscape the project and add state of the art stormwater mitigations.

Jason Saris asked why 2 buildings as opposed to joining them together as 1 building. Atty. Lapper said they are doing this because of the driveway and to make it softer with 2 smaller buildings. Jeff Anthony stated this would keep it more in keeping with the neighborhood and character.

Jason Saris asked if they were all 3 bedroom units. Atty. Lapper stated they were 4 bedroom units, 1 downstairs and 3 upstairs. Jason Saris asked if 2 parking spaces was adequate for 4 bedroom units. Atty. Lapper said yes. Jason Saris disagreed and said this would make for a lot of parking on the street which would not be good. Jeff Anthony stated they could make more parking in the rear for a total of 3 spaces per unit. David Kneeshaw said he was not sure this would be adequate if they are not using the garages. Jason Saris stated the town houses across the street all have garages and nobody uses them for parking, they are used for storage. Mr. Anthony stated they could do 3.5 spaces per unit, but it would take up more of the green space.

Robert Kennedy asked if there would be a basement or slab foundation. Jeff Anthony replied this is undetermined at this time.

Jason Saris asked about moving the buildings back to increase the front yard setback. Atty. Lapper stated that was possible for one of the buildings.

Henry Caldwell said this project was not going to be for affordable housing, to put kids in school, or used for senior housing. He stated that he has concerns with the increased septic use on the Bolton wastewater plant which in his opinion is passed its capacity. Atty. Lapper stated that there is no moratorium on septic hookups.

Henry Caldwell stated the town needed to get a handle on the VRBO and Air B&B's as it is reshaping our community.

Robert Kennedy asked what the driveway would be constructed of. Jeff Anthony replied blacktop or possibly permeable pavement.

Robert Kennedy asked if it would impact the neighbor who asked for the garage to be placed closer to the property line if the buildings were to be moved back 15' to 20'. Mr. Anthony stated he did not believe so.

David Kneeshaw asked if they would turn the front into parking if they moved the building back 10' or 15'. Mr. Anthony replied no, of course not.

Correspondence in opposition of the project was received from the following people:

- Mary Keene
- Tracy & Brian Stanton
- Tracy Blanchard Stanton (previously submitted email for prior project).

John Lefevé of 17 Goodman Avenue stated that he was concerned with the brook. He said the brook and building were in a designated flood plain zone. They also have concerns that this project will impact the area negatively and will not be good for the community around it. He wonders if these units are just going to be used as summer rentals.

Chris Levalley, adjacent property owner said he thought they were jumping the gun by assuming these units were going to be VRBO's. He stated he is all for the project and he likes what has been proposed.

Chris Navitsky questioned the need for a variance for overall density. He has concerns for the shoreline setbacks to Stewart Brook which is an impacted and impaired stream, basically due to urban impacts and its lack of vegetative buffer along the entire stream. The protective corridor is much less than the 35' width that is required.

The entire stream corridor needs to be stabilized and restored. He feels that there are alternatives. They have alternatives for the overall density and the permeability of the larger buildings. This project will not do anything to help the stream. Atty. Lapper said the site has been neglected for many years and this project is to address this. They can certainly incorporate plantings along the stream, but to leave it as is would be terrible. They could certainly leave the site as is and just fix up the existing structures, but this would not address any of the stormwater mitigations for the property. They believe that keeping the proposed structures separate makes this a softer impact.

Jeff Anthony stated the following:

- There is a small flood plain and they are moving the closest existing building back about 30' from the stream out of the flood plain zone.
- They did not group the buildings together due to an existing National Grid power pole which has guide wire that would be in the way. National Grid refuses to move this.
- Impact on the community: This is an APA hamlet where development is encouraged.
- In terms of ownership, each unit will be owned by each one of the applicants of this LLC.
- 2 cars per unit meets the zoning code.
- They recognize that the brook is a sensitive environmental resource. They would be willing to revegetate the stream banks if it was a condition of approval.

- They will be doing stormwater mitigations for the project.
- They have no problem with moving the units back 10’ to 15’ from the street.
- They do not own access of Dula Place, so they cannot access the property from there.

Jason Saris asked if this was an empty lot, what density would it support. Josh Westfall replied one, single family dwelling or a multi-family dwelling with site plan review.

Jeff Anthony stated that they could reduce the driveway from width 18’ to 16’ to 12’. This would allow more space to move the building.

Jason Saris stated that aesthetically he does not believe this is in keeping with the neighborhood. He believes the parking is a concern and they need overflow parking. 4 bedrooms allow for more cars. Jeff Anthony stated that they could add 1 to 1.5 extra parking spaces per unit. They are willing to compromise.

Robert Kennedy said the design looks great, compared to what exists. He lived in this area, and this is too much in one little area. He said moving the buildings back and adding more parking and green space would be good. This area is really getting compressed. He thinks 3 is the right number with some massaging of what has been indicated. Jeff Anthony stated they could increase the parking and then put in stabilized lawn for overflow parking.

Debby Gaddy from the audience, questioned why they can’t attach building A & B and move it back further from the stream. Jeff Anthony cited the powerline.

David Kneeshaw asked about how many of the project owners would be owning the buildings for their personal use. Mr. Anthony said he was not sure how many owners there were, but all of the owners would each personally own one of the units.

Jeri Woodward of Brookhill Development stated that many of the multifamily units in town have only 2 parking spaces. She said that the proposed buildings on this project have front porches on them, and she can have them reduced to fit better in the setbacks. Jason Saris said he does not have concerns with the porches, his concern is with the buildings fitting with the existing neighborhood.

RESOLUTION

The Zoning Board of Appeals received an application from 528 Third Ave Partners (V22-25) 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 #1 of the agenda.

The benefit could not be achieved by other means feasible to the applicant besides an area variance. This will be better than what exists.

The request is substantial. They have addressed these in the modifications.

The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. They are addressing the stormwater and greenspace. The alleged difficulty is self-created. This is a new project, but they have agreed to all of the recommendations from the Board.

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 David Kneeshaw, it is resolved that the ZBA does hereby approve the variance request as presented based on the proposed plan provided to the ZBA dated 9/20/2022 without revisions with the following conditions:

1. Building A and the Garage must be moved back at least 10’.
2. The driveway is to be reduced from 18’ to 14’.
3. There is to be a stabilized lawn parking area for overflow parking of guests.
4. The stream corridor is to be restored and revegetated.
5. Building B is to be moved 4’ closer to the driveway and 4’ back from the stream.
6. There is to be a minimum of 1.5 extra parking spaces per unit in addition to the 2 spaces per unit depicted in 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. Jim Senese opposed. **All others in favor. Motion Carried.**

The meeting was adjourned at 7:04 PM
Minutes respectfully submitted by Kate Persons