

Town of Bolton
ZONING BOARD OF APPEALS
MINUTES
Tuesday, May 23, 2023
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, Dan Sheridan, David Kneeshaw, Alternate - Lorraine Lefevre, Robert Kennedy, Director of Planning & Zoning - Joshua Westfall, AICP & Town Counsel – Brian Reichenbach

Absent: Jim Senese, Joy Barcome & Alternate - Henry Caldwell

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 11, 2023 minutes.

RESOLUTION:

Motion by Robert Kennedy to approve the April 11, 2023 minutes as presented. Seconded by David Kneeshaw. **All in Favor. Motion Carried.**

New Business

1. **V23-02 KSCH Trust- Silvio Spallone, Trustee.** Represented by Studio A Landscape Architecture & Engineering, D.P.C. Applicant seeks an area variance from §200-15 related to the construction of a patio and retaining wall and stormwater control devices, an accessory structure (garage) is also proposed. Specific variances include; Setbacks: • Front Yard – Existing: 19’. Proposed 9.75’. Required 50’. Relief Requested 40.25’. • Rear Yard – Existing: 26’. Proposed: 0.50’ Required: 30’. Relief Requested 29.5’. • Side Yard - Existing. 44’ Proposed: 0.25’ Required: 30’. Relief Requested 29.75’. • Percent Lot Occupied: Existing: 21.7%. Proposed: 22.1%. Maximum Required: 15%. Relief Requested: 7.1%. Zoning District RCL3. APA Land Use Classification: Low Intensity. SBL 185.19-1-49. Location:120 Retreat Road. Subject to APA, WCPS, SEQRA and LWRP Review.

This application was tabled at the applicant’s request

2. **V23-10 Wishnoff.** Represented by Tom & Aaron Beadnell, TAB Woodworks, LLC. Applicant seeks an area variance from §200-37, 200-15 and §200-57 related to the conversion of an existing deck into a screened porch with a 5'x10' (50sq.ft.) addition. Specific variances include: Setbacks: • Side Yard – Existing 13.6'. Proposed 8.5'. Required 15'. Relief Requested 6.5'. • Total Side Yard – Existing 18.5'. Proposed 13.5'. Required 30'. Relief Requested 16.5'. • Rear Yard – Existing: 9'. Proposed 8.6'. Required 20'. Relief Requested 11.4'. • Shoreline – Existing 44'. Proposed 39'. Required 75'. Relief Requested 36'. • Percent Lot Occupied – Existing 28.25%. Proposed 29%. Required 15%. Relief Requested 14% Zoning District RCM 1.3. APA Land use District: moderate Intensity. SBL 156.20-1-49. Location: 116 Rock Cove Road. Subject to APA, WCPS, SEQRA and LWRP Review.

Tom & Aaron Beadnell of TAB Woodworks, LLC. presented the following:

- They are proposing to add 5' x 10' to the existing narrow deck to allow table and chairs.
- This will allow them to enjoy the lake.
- They detailed the deck access on the plans.
- There is a tiny area off the kitchen where they are proposing to enlarge and screen in for a table and chairs.
- On the back and the right side, they would be encroaching on the neighbors' boundaries, and paths.
- There is no room for a deck in the front due to the parking area, so this is the only feasible area for the proposed deck.
- There is already a small existing deck that they are adding an addition to.

Jason Saris asked when the structure was built. Mr. Beadnell stated he believed that it was built in the 1940's. This is a pre-existing non-conforming structure.

Dan Sheridan asked if the roof would be over the new extension. Mr. Beadnell said they would be extending the roof from the sliding doors to the bedroom window. Dan Sheridan asked if they had any stormwater mitigation for the new roof. Mr. Beadnell stated that they had not. Dan Sheridan suggested that they would require some sort of mitigation. Ms. Beadnell said that they could do a French drain. She also stated they would place skirting around the deck.

Robert Kennedy asked if this would obstruct any views of the lake. Mr. Beadnell replied, no.

Marc Hess of Candlelight Cottages asked if the south property line butted up to them. Ms. Beadnell replied, no. He stated that there is a large rock outcropping in the area they are adding the roof and they may want to consider this. Mr. Beadnell stated that they would be using a French drain to capture the water.

A member of Rock Cove Association asked if they would be willing to install gutters. Mr. Beadnell stated they would do whatever works best.

No County Impact

RESOLUTION:

The Zoning Board of Appeals received an application from Wishnoff, (V23-10) 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 #2 of the agenda.

- 1) The benefit could not be achieved by other means feasible to the applicant besides an area variance. This is a pre-existing non-conforming structure with a narrow deck, and this will make it more useable.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties.
- 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. There is a condition to add a French drain for the new roof.
- 5) The alleged difficulty is not self-created. This is a pre-existing non-conforming structure. In weighing the factors, 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 Dan Sheridan and seconded by Robert Kennedy it is resolved that the ZBA does hereby approve the variance request as presented with the following condition: 1) A French drain must be installed for the roof addition. 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. **V23-11 Burke.** Represented by Con Burke. Applicant seeks an Area Variance Related to §200-15 for the addition of one (1) apartment unit in existing “mixed use” structure. Specific variances include: • Land area required: 40,000 sq./ ft. Existing lot area 32,365 sq./ ft. Relief requested 7,635 sq./ ft. Zoning District RCH5000. APA Land use Classification: Hamlet SBL 186.14-1-5. Location: 4587 Lakeshore Drive. Subject to APA, WCPS, SEQRA and LWRP Review.

Con Burke presented the following:

- He is looking to change the existing commercial space into 2 long term rental apartments.
- It needs to be renovated for this endeavor.

- They would be staying within the existing footprint.
- They will not have any additional parking.
- By adding the extra unit, it requires a variance.

Jason Saris said it was certainly something needed in the Town of Bolton and this lot is very well suited for it. It is also consistent with the neighborhood. He would much rather see this as a residential building in this little hamlet rather than in the middle of town.

Correspondence:

Kathy Cullen an adjacent neighbor stated she had no issues with the project.

No County Impact

RESOLUTION

The Zoning Board of Appeals received an application from Burke, (V23-11) 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, 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. They have tried many commercial businesses over the year, and this will fill a much needed housing concern as it will add 2 year round rental units.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. As described, it is already a mixed use building, with an apartment. This fits right in with the neighborhood.
- 3) The request is not substantial. It is within the existing footprint.
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. It is the same as what exists and they are only changing the interior use.
- 5) The alleged difficulty is self-created. It makes more sense to add apartments in this area. In weighing the factors, 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 Lorrain Lefevre, 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.**

4. **V23-12 Coon.** Represented by Mark Coon. Applicant seeks an Area Variance related to §200-15 and §200-20 for the placement of 10'x 20' shed. Specific Variances include: Setbacks: • Front Yard – Proposed 13'. Required 75'. Relief requested 62' • Shoreline – Proposed 30'. Required 75'. Relief Requested 45'. Zoning District RL 3. APA Land Use Classification: Low Intensity. SBL 171.06-1-35. Location: 574 Potter Hill Rd. Subject to APA, WCPS, SEQRA and LWRP Review.

Mark Coon presented the following:

- They would like to add a shed on a pre-existing non-conforming lot.
- Finkle Brook is tight to the house and is too narrow to add a shed.
- The back of the house has a concrete wall that protects the house from the brook.
- The septic and leach field are located to the north.
- This is the most feasible area to place the shed.

Dan Sheridan asked if it would be visible to the road. Mr. Coon replied yes.

Jason Saris stated that he does not believe there is a compliant area on the whole lot. Mr. Coon agreed. He said this area would require the least amount of disturbance too.

Robert Kennedy asked if this was just a storage shed. Mr. Coon replied yes.

No County Impact

RESOLUTION:

The Zoning Board of Appeals received an application from Coon, (V23-12) 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 feasible area to place the shed.
- 2) There will be no undesirable change in the neighborhood character or to nearby properties. They are adding a shed, which is in character with the neighborhood.
- 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 self-created. This is a pre-existing, non-conforming lot.

In weighing the factors, 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 Dan Sheridan and seconded by David Kneeshaw, 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 6:37PM

Minutes respectfully submitted by Kate Persons