

Town of Bolton
ZONING BOARD OF APPEALS
AGENDA

Tuesday March 23, 2021

6:00p.m. via Zoom

Meeting ID: 931 585 0100 Passcode: 6W2b1Z

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

LWRP = Local Waterfront Revitalization Program

1. **V20-34 Steven and Constance Moffitt:** Represented by Studio A. This item was tabled at the January 19, 2021 Zoning Board of Appeals meeting to determine if a principal building existed on both proposed lots. It was determined that the pool house and pool constitute a principal building. Therefore, both proposed lots have a principal building on each lot. The requested variance is to subdivide an existing 1.4 acre lot into two parcels of 0.93 acres and 0.47 acres in the RM1.3 zone which requires a minimum lot size of one acre. Seeking area variance to subdivide an existing conforming lot into two non-conforming lots. Section 200.14, Block 1, Lot 25, Zone RM1.3. Property Location: 11 Cotton Court. Subject to WCPS and LWRP review.
2. **V21-03 John and Johanne Peterson:** Represented by Curtis Dybas. Seeks variance to remove the existing small rear addition and construct a 1½ story addition to the rear of the original cottage and renovate the original cottage. Seeking area variance to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 186.18, Block 1, Lot 29, Zone RM1.3. Property Location: 42 The Back Road. Subject to WCPS and LWRP review.
3. **V21-04 Robert O’Keefe:** Represented by AJA Architecture. Seeking area variances for 1) Parking: V16-15 stated that a total of 43 spaces were required (41 spaces for the restaurant and 2 for the single family dwelling), 5 spaces were approved by the V16-15 Variance. The owner now has proposed a reduction from the approved 5 spaces to 2 spaces for the two proposed residential apartments. Each residential apartment requires 2 spaces each for a total of 4 spaces and 2) to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 171.15, Block 1, Lot 59, Zone RCH5000. Property Location: 4947 Lake Shore Drive. Subject to WCPS and LWRP review.
4. **V21-05 Bunk House LLC, Peter & Kimberly Forseca:** Represented by Anthony DeFranco, PE. Seeking area variance for 1) extensive landscape work within the 75 foot shoreline restriction, 0 feet is proposed; 2) increasing maximum lot coverage to 20.56% from the existing 19.53%, 15% is allowed; and 3) to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 200.06, Block 1, Lot 13, Zone RM 1.3; Property Location: 40 Loomis Lane. Subject to WCPS, APA and LWRP review.
5. **V21-06 Patrick and Martha McHugh:** Represented by Patrick and Martha McHugh. Seeks variance to construct an addition to the existing camp and renovate the original camp. Seeks area variance for to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 186.10, Block 1, Lot 22, Zone RCH 5000; Property Location: 29 Sunrise Shores Loop. Subject to WCPS and LWRP review.
6. **V21-07 David Massaroni, Capri Village:** Represented by Studio A Landscape Architecture & Engineering, DPC and J.Lapper, Esq. Bartlett, Pontiff, Stewart & Rhodes, P.C. Seeks area variance to 1) increase allowable density from 5.75 principal buildings to 15 principal buildings and 2) to alter two non-conforming structures in accordance with Section 200-57B(1)b. Section 213.13, Block 1, Lots 51/52/35, Zone RCM 1.3; Property Location: 3926 Lake Shore Drive. Subject to WCPS APA and LWRP review.
7. **V21-08 Bonnie View LG, LLC:** Represented by Studio A Landscape Architecture & Engineering, DPC and Balzer & Tuck Architecture. Seeks area variance to 1) maximum length of house is 120 feet, 172 feet is proposed; 2) modification of the recreation building within the 50 foot shoreline setback, 0 feet is proposed; 3) modification of the lakeside cabana within the 50 foot shoreline setback, 15 feet is proposed; 4) replace existing wood deck and relocate stairs within the 50 feet shoreline setback, 0 feet is proposed;

and 5) to alter non-conforming structures in accordance with Section 200-57B(1)b. Section 186, Block 14-1, Lot 52/31, Zone RCH 5000; Property Location: 4654 Lake Shore Drive. Subject to WCPS, APA and LWRP review.

8. **V21-09 Jennifer Hogan and Scott Murphy:** Represented by Tom Jarrett, Jarrett Engineering, PLLC. Seeks area variances for 1) sideline setback 20 feet is required, 19 feet, 6 inches is proposed; 2) height of structure maximum of 35 feet is required, 38 foot 9 inches is proposed; 3) modifications to the pre-existing shoreline patio, seawall, patio wall, construct new handicap ramp and addition of impervious area within the 75 foot shoreline setback, 0 feet is proposed and 4) to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 213.50, Block 1, Lot 7.1, Zone RM 1.3; Property Location: 4122 Lake Shore Drive. Subject to WCPS and LWRP review.
9. **V21-10 4934 Lake Shore Drive LLC, N. Somma:** Represented by The Environmental Design Partnership. Seeks variances for 1) building front setback 30 feet required, 13.5 feet is proposed; 2) north building side yard 8 feet is required, 1 foot is proposed, 3) south building side yard 12 feet is required, 0.5 foot is proposed, 4) maximum lot occupied 40% is required, 50% is proposed, 5) parking spaces 55 spaces are required, 9 are proposed and 6) to alter a non-conforming structure in accordance with Section 200-57B(1)b. Section 171.19, Block 2, Lot 9, Zone RM 1.3; Property Location: 4934 Lake Shore Drive. Subject to WCPS and LWRP review.

10. **REQUEST FOR ZONING CODE INTERPRETATION**

Tax Map Parcel 186.10-1-5

Richard C. Miller and Linda E. Miller owners of a Single Family Residence at 4701 Lake Shore Drive, 1.91 acres in the RL 3 zoning district propose to convert an existing one story, two stall garage into an antique store with frontage on Lakeshore Drive. The RL 3 Zoning District provides by Site Plan Review:

“(subparagraph) 5. The following home occupations are intended for the home occupant

and must be judged by the Planning Board to be incidental to the residential use:

- a) Offices including doctor, dentist, lawyer architect, engineer, surveyor, occupying up to 500 sq. ft.*
- b) Real estate office, beautician, up to 500 sq. ft.*
- c) Mail order business, computer related business , up to 500 sq. ft. “*
- d)*

The owners' plan is to convert an existing garage less than 500 sq. ft. to a use involving the sale of antiques. The owners' business selling antiques is substantially over the Internet in a variety of outlets such as eBay, Craig's list, Facebook marketplace, etc.), however, retail customers would be welcome to the location to pick up their purchases in person or to shop when present. The mail order sales of antiques is the predominant business activity planned by the occupants of the Single Family Residence .

Do the RL 3 Code provisions cited above allow the **use** as described by the owners?

If the ZBA should determine that the use is permitted by SPR, the owners' are still required to obtain an area variance and a SPR approval before commencing the use.