



TOWN OF WILLSBORO
ZONING BOARD OF APPEALS

MINUTES
ZONING BOARD OF APPEALS
DATE: January 18, 2022 at 6:00PM
LOCATION: WILLSBORO TOWN HALL

Present: Chairman – Peter Sowizdrzal; Board Members: Anne Lincoln, Carol DeMello

Excused: Anthony Galioto

Members of the Public: Jeffrey Bigelow, Spencer Hathaway, Todd Toensing, Dereck Crowningshield, Terry Pulsifer (CEO), Jason Sweatt & Man Park.

Chairman Sowizdrzal called the meeting to order at 6:03pm.

DeMello stated that her time as chair has come to an end and she welcomes Pete Sowizdrzal as the new chair.

December 2021 Minutes: No corrections needed. The December 2021 minutes were approved as presented other than DeMello would like to put on the record that she misspoke stating that the applicant had 6 months to obtain a building permit after the variance has been granted, however, it is 12 months. *A motion was made by Lincoln to accept meeting minutes; seconded by DeMello. All in favor, motion carried.*

Public Hearing:

Todd Toensing & Elizabeth Kohler – 172 Lakeshore Drive – 21.10-1-13.000 – RL-1 – Replace existing residence with a new residence

Sowizdrzal opened public hearing at 6:04pm. Sowizdrzal asked if we had any correspondence in regards to this project. Morgan Denton stated that she did not receive any correspondence. DeMello asked if the board received the deed. Terry Pulsifer, Code Enforcement Officer, stated that he did receive the deed. DeMello and Denton stated that they did not see those. Pulsifer will provide the deed to the board. DeMello reviewed the deed at the meeting and she stated that she did not see any convenience or any restrictions on the deed. Sowizdrzal stated that it is unique as the side yard setbacks are based on the shoreline. Sowizdrzal stated that where they are building the structure the width of the lot is about 135'. Todd Toensing stated that the lot is like a trapezoid. Sowizdrzal asked if anyone from the public had any comment. No comment. Sowizdrzal closed the public hearing at 6:10pm.

Sowizdrzal stated that the board will now review the same five questions that are listed on the application for the applicant to fill out. Board reviewed their five questions. Discussion followed.

Man Park asked where this project was taking place. Sowizdrzal explained the project and the explanation of why this individual received the letter in the mail.

A motion is made by Sowizdrzal based on the application submitted and testimony heard that this application for relief of Sections 6.12 # 2 pg. 58—Setback from the Shoreline, Lot Width and Side Yards. Shoreline Properties Side Yard Setbacks are determined by the amount of Shoreline Frontage. 183' of Shoreline is Requiring 40' Side Yard Setbacks. Relief of 14' 4" SE and 15' MW should be granted because the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the district, neighborhood, or community by approval of the variance, to reach this conclusion I have considered the five factors discussed and considered by the Board. Specifically, grant a variance to Todd Toensing and Elizabeth Kohler; seconded by DeMello. All in favor, motion carried.

Jay Cohen – 18 Cayuga Place – 11.13-1-52.000 – RL-1 – Building a 30'x40' garage with upstairs living space

Sowizdrzal asked Jeffrey Bigelow if he was representing Jay Cohen and Bigelow stated he was. Sowizdrzal asked if there were any correspondences received in regards to this project. Terry Pulsifer, Code Enforcement Officer, stated that he received a letter from Mr. Hatch asked for more information and asked for Terry Pulsifer to look over the deed as Mr. Hatch believed there were stipulations within the deed. Terry Pulsifer reviewed the deed.

Sowizdrzal opened the public hearing at 6:25pm.

Sowizdrzal asked if the numbers that the Zoning Board of Appeals had were correct. Sowizdrzal asked what the rear yard setback is. Terry Pulsifer stated that NYSEG said 15' from the overhead power lines to the closest point of the structure. It was determined that Cohen will not need a rear yard setback. Sowizdrzal stated that there is a need for a side yard setback relief of 20' on the west and 5' on the east.

No public present to comment on this project.

Bigelow stated that if he can get a rear yard setback while he is here he would take it that way he had some availability to move the structure if he needed to a little. Sowizdrzal asked what is behind that lot. Bigelow stated that it is woods behind this lot and he believes Mr. Hatch owns behind it. DeMello stated that if the ZBA were to grant the 9' relief that would give the applicant the option of being further away from the power lines. Bigelow stated that he would love that if he could get that relief. Bigelow asked if he could review a copy of the deed that was given to the board. Terry Pulsifer provided the deed to the board for review.

Closed public hearing at 6:31pm. Sowizdrzal stated that the board will now review the five questions. Discussion followed.

A motion is made by Sowizdrzal based on the application submitted and testimony heard that this application for relief of Sections 4.10 pg.29 Title Schedules of Use and Area Regulations. Specifically Minimum Lot Size of 40,000 sq. ft. and Side Yard Setbacks of 50'. Relief of 5' East Side, 20' West Side and 9' South Side (Rear) be granted because the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the district,

neighborhood, or community by approval of the variance, to reach this conclusion I have considered the five factors discussed and considered by the Board. Specifically, grant a variance to Jay Cohen; seconded by DeMello. All in favor, motion carried.

Old Business: No old business.

Sowizdrzal stated that before the board reviews the new business applications that the board has received a letter from Terry Pulsifer, CEO, asking for an interpretation in regards to what the front yard versus a rear yard is on waterfront.

Sowizdrzal asked if the Planning Board reviewed section 5.51 #3. Pulsifer stated that he believes they looked at section 5.52 #2. Sowizdrzal stated that he believes this needs to be corrected. Sowizdrzal stated that his house is on Hilton Terrace and the front is facing the rear yard and also facing the lake. Sowizdrzal asked if that means by that interpretation that Sowizdrzal could put an accessory structure in his front yard as long it isn't the overall appearance of the property.

Dereck Crowningshield brought up and read a portion of the Planning Board minutes from a previous meeting in 2021 approving an application for Cathy Morin which is very similar to the Art Auch project that is currently being reviewed.

DeMello stated that she saw that project passed as well and that she sent an email to the Chairman of the Planning Board, Gregory Gordon. DeMello stated that with the new zoning law they wanted to make everything uniform no matter if it was a waterfront property or not.

Pulsifer stated that he asked two surveyors that do a lot of work in our town without giving them specific parcels and both surveyors stated that the front yard is always the waterfront side.

Sowizdrzal stated the he made his decision based on not being able to even see the garage that Art Auch is proposing. Sowizdrzal stated that it will be blocked by trees and no one would know there was a garage there unless the pull into the driveway. Sowizdrzal stated that the wording needs to be changed and based on what the zoning law says now, the Art Auch project doesn't need a variance.

DeMello stated that in 2016, the ZBA and Planning Board ran into this same issue. A determination was made at the time but it was not presented by the CEO as a request for interpretation so no formal change was made to the Zoning Law. The ZBA at the time determined that section 3 was put in there to allow buildings on the waterfront to have their accessory structures placed in the front yard/street side. The ZBA also concluded that when the zoning law was rewritten in 2015 that the current language of Section 5.51 was muddled by cutting and pasting of the old zoning law into the new. DeMello's interpretation of #3 (of Section 5.51) is that it is meant to allow accessory structures on waterfront properties to be placed in the front (street side) yard with the usual 10' accessory structure setback. DeMello states that #3 gives our CEO the right to give issue a building permit. ***DeMello made a motion to interpret the zoning law to clarify section 5.51.3 specifically grants the CEO the right to allow accessory structures on the street side of waterfront properties, seconded by Sowizdrzal. All in favor, motion carried.***

Terry Pulsifer stated that based on the determination tonight and the interpretation of front yard versus backyards on waterfront properties, the application for Art Auch no longer needs to be in front of the ZBA. Sowizdrzal agreed.

DeMello stated that our CEO, Terry Pulsifer, is doing a great job with all of this!

New Business:

Jason Sweatt – 43 Mountain View Drive – 39.1-2-9.000 – RR – Redemption center out of building being built

Sowizdrzal asked if Jason Sweatt would like to explain his project. Sweatt stated that he received the variance to put up a new building. Sweatt stated that there is a need for a redemption center in town and people are traveling quite the distance to bring bottles back. Sowizdrzal asked if Sweatt has figured out how much room he will need for tractor trailers to go in and out of there. Sweatt stated that there is plenty of room for a truck. Sweatt stated that he would have his girlfriend work the redemption center. Sweatt stated that right now she is working out of what is about ¼ of the building now. Sowizdrzal stated that Sweatt needs 350,000 square ft and we know you are on an undersized lot. Sowizdrzal that the main issue is that for the RR district that you are in, you are not allowed to have a redemption center there. Terry Pulsifer stated a little more information on the project and how it went in front of the Planning Board and now its at the ZBA.

DeMello stated that Sweatt has a lot of work to do. DeMello went through all the information on the Use Variance application and gave Sweatt a copy to show everything he would need to include. DeMello stated that it is nearly impossible for a use variance to be granted. Sweatt asked what they meant by proving hardship. DeMello explained that he would need to show a financial hardship. DeMello stated that when Sweatt came to the ZBA prior for the variance Sweatt stated that he wasn't going to do a commercial business. Sweatt stated that at that time he wasn't going to. Sowizdrzal stated that he is changing the zoning law. Much discussion followed.

Sowizdrzal stated that Sweatt could possibly go a different route and try to do a major homes occupation. Sowizdrzal stated that if Sweatt went smaller with his space he may get away with some rules and regulations. Sowizdrzal asked Sweatt that if he built a larger building but considered only using part of it as commercial. Pulsifer spoke up in regards to a mixed occupancy. Discussion followed.

DeMello stated that the problem is, is that the ZBA granted Sweatt a variance for his personal use and he is now coming back to the ZBA and is stating that he would like to use it for commercial purposes. DeMello stated that the use variance has very specific list and a redemption center is not on that list.

DeMello read a section out of the zoning law that pertains to the RR district. DeMello stated that this district was created to have people live in a agricultural area.

Sweatt asked how he would be protruding on his neighbor's privacy if he has someone coming to pick up bottles.

Sowizdrzal stated that Sweatt could look into the rules and regulations of the major home's occupation. Sowizdrzal asked if Pulsifer could assist Sweatt with that. Pulsifer stated that he will have to do some research but he would be able to assist.

Crowningshield inquired about the old redemption center that was on Fish & Game Club Road. It was stated that that is in the industrial park district.

DeMello stated that this is a learning experience for all of us.

A motion was made by Sowizdrzal and seconded by DeMello to adjourn the meeting at 7:11pm. All in favor, motion carried.

Respectfully Submitted,

Morgan Denton
Secretary for Planning and Zoning Board

FINDINGS OF FACT--Draft
Submitted by: Pete Sowizdrzal

Variance Application 2021-100-Z (Todd Toensing and Elizabeth Kohler)
December 21, 2021

Property location: 172 Lakeshore DR - (Tax # 21.10-1-13.000)
Zoning District: RL-1 (Residential - Low Density)

PROJECT DESCRIPTION: Replace existing structure with a new residence

–IMPACTS Section 6.12 #2 page 58 - Setback from the Shoreline, Lot Width and Side Yards. Shoreline properties Side Yard Setbacks are determined by the amount of Shoreline Frontage. 183 ft. Shoreline is requiring 40 ft. Side Yard Setbacks.

ZONING REQUIREMENTS:

Minimum Lot Size:	40,000 sq ft. (.70± acres = 32,405 sq. ft. - Existing lot and Structure)
Front Setback	50' (In compliance)
Shoreline Setback:	50' (In compliance with new location of Structure)
Rear Yard Setback:	50' (In compliance)
*Side Yard Setback:	40' (Need relief of 14' 4" SE side and 15' NW side)
Maximum Lot Coverage:	15% (4,861 sq. ft. - Not an Issue) - House 2,346 sq. ft. -Garage
Maximum Bldg. Height:	35' (Not an issue)

According to property records, the buildings and improvements total 2,346 + sq. ft., under the 4861 sq. ft. allowance

*Rear yard setback of 50' superseded by Shoreline regulations, but in this case, they are both the same.

Move to public hearing? – Yes

Motion?

FINDINGS OF FACT—Rev 3
Submitted by Carol de Mello

Variance Application 2021-100Z—Toensing-Kohler
January 18, 2022

Property location: 172 Lakeshore Drive, Willsboro (21.10-1-13.000)
Zoning District: RL-1

PROJECT DESCRIPTION:

Replace existing camp with a new year-round residence.—**IMPACTS Section 6.12, p. 58, Setback from the Shoreline, Lot Width and Side Yards, specifically need relief of side yard setback of 40’.** It is a one-story structure to accommodate health issues. The new structure will be moved to comply with the shoreline setback of 50’. However, the closest point on the southeast side will be 25’-8” from the property line requiring variance relief of 14’-4” and the closest point on the northwest corner will be 25’ requiring variance relief of 15’. Due to the odd shape of the lot, it appears a variance would be needed even if the building was turned in some fashion.

ZONING REQUIREMENTS:

Minimum lot size:	40,000 sq. ft. (original lot size 0.70 acres = 32,405 sq. ft.)
Front yard setback:	50’ (in compliance)
Rear* yard setback:	N/A’ (not applicable)
Shoreline* setback:	50’ (in compliance)
Side Yard setback:	40’ (183” lake frontage; need relief of 14’-4” on SE; 15’ on NW)
Maximum Lot Coverage:	15% (not an issue)
Maximum bldg. height:	35’ (not an issue)

According to the property record, the proposed building will be 2,346 sq. ft. and with the garage will total 3,354 sq. ft., under the 4,861 sq. ft. allowance.

*Rear yard setback of 50’ is superseded by Shoreline regulations.

Move to public hearing?—Yes, January 18, 2022.

ZBA Area Variance Questions DRAFT
Submitted by Pete Sowizdrzal

Name: Todd Toensing & Elizabeth Kohler Tax Map # 21.10-1-13.000

Area Variance Application Number: 2021-100Z Date of Vote: Jan 18, 2022

Findings:

1. As to whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance, I find that:
They it could not. Where the new structure is being built the width of the lot is 135' and will now be 50' from the high-water mark. Applicant looked at a two-story structure but ruled it out for health issues. All the surrounding structures are one story so it will fit into the neighborhood.
2. As to whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, I find that:
It would not. All the surrounding properties are one story. The side yard setback relief they are requesting is less than their neighbors which is 16' from the property line. Both boundaries will have natural barriers of bushes, trees and other plant life for privacy. This is one of the original lots in Buena Vista Park dating back to 1923.
3. As to whether the requested area variance is substantial, I find that:
It is not. Their side yards setbacks are determined by how much waterfront property they have. The largest width of the property is the shoreline and gets shorter until the road. Lot is Trapezoid shaped.
4. As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, I find that:
It will not. It will improve the physical conditions by having a new structure which will be using the latest building codes. Environmental conditions will improve with a new septic system.
5. As to whether an alleged difficulty is self-created, I find that: (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.)
No. This is one of the original properties in Buena Vista Park built in 1923 before there were any zoning or building regulations.

**ZBA Area Variance Questions
Submitted by Carol de Mello**

Name Toensing-Kohler Tax Map # 21.10-1-13.000

Area Variance Application Number: 2021-100Z Date of Vote: 01-18-2022

Findings:

1. As to whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance, I find that:

The applicant desires to build a year round, one-story residence to accommodate health issues. Even building a two-story house that might not trigger variance relief for the side yard setbacks would need a variance from shoreline restrictions when expanding the footprint.

2. As to whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, I find that:

The Adirondack design of the new residence is very much in character with the neighborhood and will not be a detriment to nearby properties.

3. As to whether the requested area variance is substantial, I find that:

The requested relief of 14'-4" on the southeast corner and 15' on the northwest corner is not substantial on a 40' setback requirement, especially if one considers that it would meet the two-thirds rule of Section 4.23 Existing Undersized Lot and no variance would be needed if not for the Shoreline regulations. Plus, much of the building on both sides is compliant because of how the front of the building is situated so as to be parallel to the shoreline.

4. As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, I find that:

There should be no negative effects on the physical or environmental conditions in the neighborhood. With a new septic system and proper drainage, conditions will show improvement over the existing.

5. As to whether an alleged difficulty is self-created, I find that: (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.)

Because this is a pre-existing undersized lot and has an extreme trapezoid shape, I do not feel the alleged difficulty is self-created.

ZBA Area Variance Questions DRAFT
Submitted by Anne Lincoln

Name: Todd Toensing and Elizabeth Kohler

Tax Map # 21.10-1-13.000

Area Variance Application Number: ____ _100Z_____ Date of Vote: 1/18/22

Findings:

1. As to whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance, I find that: *This is a pre-existing undersized lot. The project will result in greater compliance with the setbacks from the lake. Because the property is relatively narrow at the area of new construction, side yard variances are needed.*

2. As to whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, I find that: *This will not create an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties. The new construction will be similar to other homes in the area.*

3. As to whether the requested area variance is substantial, I find that: *This will be a small change from the present structure which already does not comply with side-yard and lakeshore setbacks.*

4. As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, I find that: *the project will reduce the environmental impact on the lake as it will further from the high-water mark, stabilize the lakeshore and upgrade the septic system.*

5. As to whether an alleged difficulty is self-created, I find that: (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.)
This is a pre-existing undersized lot so the difficulty is not self-created.

FINDINGS OF FACT--Draft
Submitted by: Pete Sowizdrzal

Variance Application 2021-99Z Jay Cohen
October 19, 2021

Property location: 18 Cayuga Place (Tax #11.13-1-52.000)
Zoning District: RL-1 (Residential - Low Density)

PROJECT DESCRIPTION: Building a 30' x 40' garage with upstairs living space

–IMPACTS Section 4.10 Schedules of Use and Area Regulations, pg. 29. Specifically Minimum lot size of 40,000 sq. ft. and Side and Rear Yard Set Backs of 50'. Lot is only 120' wide.

ZONING REQUIREMENTS:

Minimum Lot Size:	40,000 sq ft. (.4 acres = 17,424 sq. ft.)
Front Setback	50' (In compliance)
Shoreline Setback:	50' N/A
Rear Yard Setback:	50' (41' Need Relief of 9') - Need to Stay Away from Power Line.
*Side Yard Setback:	50' (Need Relief of 5' on East side and 20' on West side)
Maximum Lot Coverage:	15% (2,614 sq. ft. - Not an Issue)
Maximum Bldg. Height:	35' (Not an issue)

According to property records, the buildings and improvements total 1,200 sq. ft., under the 2,614 sq. ft. allowance

*Rear yard setback of 50' superseded by Shoreline regulations, but doesn't pertain to this request.

Move to public hearing? –

Motion?

FINDINGS OF FACT—Rev 2
Submitted by Carol de Mello

Variance Application 2021-99Z—Jay Cohen
January 18, 2022

Property location: 18 Cayuga Place, Willsboro (11.13-1-52.000)
Zoning District: RL-1

PROJECT DESCRIPTION:

Build a 30' x 40' garage with upstairs living space.—IMPACTS Section 4.10, p. 29, Schedules of Use and Area Regulations, and Section 4.23.2, p. 35, Existing undersized Lots (doesn't meet 2/3 rule); specifically, need side yard setback relief of 20' on west side and 5' on the east side for the proposed locations of 30' and 45' respectively; and 9' relief in the rear yard as building will be 41' from the line to accommodate power lines in the front yard. Stage one will be to complete a garage with the second floor to be roughed in and ready to build in the future a living space with two bedrooms, bath and kitchen.

ZONING REQUIREMENTS:

Minimum lot size: 40,000 sq. ft. (original lot size 0.40 acres = 17,424 sq. ft. *)
Front yard setback: 50' (in compliance)
Rear yard setback: 50' (request relief of 9' as structure will be 41' from rear line)
Side Yard setback: 50' (Request relief of 20' on west side and 5' on east side)
Maximum Lot Coverage: 15% (not an issue, 2,614 sq. ft. allowed)
Maximum bldg. height: 35' (not an issue)

*2/3 Rule: Lot would be legal at 26,667 sq. ft. Need variance because lot is undersized at 17,424 sq. ft.

According to the application, the building will total 1200 sq. ft., under the 2,614 sq. ft. allowance.

Move to public hearing?—Yes, January 18, 2022

ZBA Area Variance Questions DRAFT
Submitted by Carol de Mello

Name Jay Cohen Tax Map # 11.13-1-52.000

Area Variance Application Number: 2021-99Z Date of Vote: 01-18-2022

Findings:

1. As to whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance, I find that:

Because this is an existing undersized lot in the RL-1 district, there are no other methods other than a variance to accommodate a garage for storage with living space above. The requirement of 50' side yard setbacks on a lot that is 120' wide at the street makes it impossible to build anything without a variance.

2. As to whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, I find that:

No, the proposed structure is modest in appearance and will be a pleasant addition to the neighborhood.

3. As to whether the requested area variance is substantial, I find that:

The requested relief of 5' on the east side is not substantial. The relief of 20' on the west side is somewhat substantial but the impact to the neighbors will be minimal due to the trees on the property. The relief of 9' on the rear yard setback (caused by the position of the power lines cutting across the property) also is not substantial.

4. As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, I find that:

The plans presented call for a minimal structure and a perimeter drain on the property which should minimize any physical or environmental issues.

5. As to whether an alleged difficulty is self-created, I find that: (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.)

Since this is a pre-existing, undersized lot created before the Zoning Law went into effect, I do not think the alleged difficulty is self-created.

ZBA Area Variance Questions DRAFT
Submitted by Pete Sowizdrzal

Name: Jay Cohen

Tax Map # 11.13-1-52.000

Area Variance Application Number: 2021-99Z Date of Vote: Jan 18, 2022

Findings:

1. As to whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance, I find that:
They it could not. This is an existing undersized lot. Side Yard Setbacks in RL-1 are 50'. Lot width is 120' road frontage and 100' in rear yard.
2. As to whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, I find that:
It would not. It will be a new building and with septic system. There is only one neighbor with the rest vacant lots.
3. As to whether the requested area variance is substantial, I find that:
No, it is not for the size of the lot. Only looking for 5' relief on East side, 20' on West side and 9' on South Side (Rear) of structure.
4. As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, I find that:
It will not. It is a new structure and septic system which will be built with the latest building codes.
5. As to whether an alleged difficulty is self-created, I find that: (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.)
No. Existing undersize lot. He is doing everything he can to minimize the relief he is requesting.

ZBA Area Variance Questions **DRAFT**
Submitted by Anne Lincoln

Name: Jay Cohen

Tax Map #11.13-1-52.00

Area Variance Application Number: _____

Date of Vote: 1/18/22

Findings:

1. As to whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance, I find that: *This is a pre-existing undersized lot. A home cannot be built on this property without a variance.*

2. As to whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, I find that:
This project will not produce an undesirable change in the neighborhood. The structure is not substantially different than other structures in the area.

3. As to whether the requested area variance is substantial, I find that:
This request is not substantial because of the size of the lot.

4. As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, I find that: *This project will not create an adverse effect as it will include drainage and adequate septic.*

5. As to whether an alleged difficulty is self-created, I find that: (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.) *This is a pre-existing undersized lot so this difficulty is not self-created.*

FINDINGS OF FACT--Draft
Submitted by: Pete Sowizdrzal

Variance Application 2021-101-Z (Jason Sweatt)
January 18, 2022

Property location: 43 Mountain View Dr- Willsboro NY - (Tax #: 39.1-2-9000)
Zoning District: RR (Residential - Rural Density)

PROJECT DESCRIPTION: Open a Redemption Center Out of a 30' x 56' Building Being Built in April 2022.

—IMPACTS Section 4.10 Page 33. Business Use Not Listed Under Principal Permitted Uses or Special Uses

ZONING REQUIREMENTS:

Minimum Lot Size: 350,000 sq ft. (74,052 sq. ft. Existing Undersized Lot)
Front Setback 100' (68.3 ft. Received Variance in September 2021 for Relief)
Shoreline Setback: N/A (In compliance)
Rear Yard Setback: 150' (In compliance)
*Side Yard Setback: 100' (In compliance)
Maximum Lot Coverage: 15% (Not an Issue)
Maximum Bldg. Height: 35' (Not an issue)

*Rear yard setback of 50' superseded by Shoreline regulations, but in this case, they are both the same.

Need a Special Use Permit to be able to establish this business in the RR (Residential - Rural Density) District. Supplied Paperwork.
Looking at Special Use - Major Home Occupation.

Motion? None

DECISION FORM:

BOARD:	Zoning Board of Appeals
DATE OF APPEAL:	January 18, 2022
APPLICATION NUMBER:	100-Z
NAME:	Todd Toensing & Elizabeth Kohler
PROJECT ADDRESS:	172 Lakeshore Drive
TAX MAP NUMBER:	21.10-1-13.000
REQUEST FOR VARIANCE FROM:	Sections 6.12 #2 Setback from the Shoreline, Lot Width and Side Yards.

PROJECT DESCRIPTION:

Replace existing residence with a new residence.

REVIEW OF AREA VARIANCE CRITERIA:

Area Variance Criteria:

- 1. As to whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance, the board finds:*

The applicant’s desire is to build a one-story home to accommodate health issues. Other homes in the area are one-story homes, so this would fit right in.

- 2. As to whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, the board finds:*

This home would fit right in with the others that are surrounding it and it would not be a detriment to the nearby properties as there are natural barriers between parcels i.e. trees, shrubs etc.

- 3. Is the requested area variance substantial?*

The board agrees that the variance requested is not substantial. If it weren’t for the shoreline setback, the applicant wouldn’t need a variance.

4. *As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, the board finds:*

The board agrees that there will not be an adverse effect or impact on the physical or environmental conditions. With the new septic system and drainage that will be put in this will improve the conditions.

5. *As to whether an alleged difficulty is self-created, the board finds: (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.)*

The board agrees that this is not self-created as this lot is an pre-existing undersized lot that was originally from the Buena Vista Park that was built in 1923 and that was before there were zoning laws.

PROPOSED MOTION:	<i>A motion is made based on the application submitted and testimony heard that this application for relief of Sections 6.12 # 2 pg. 58—Setback from the Shoreline, Lot Width and Side Yards. Shoreline Properties Side Yard Setbacks are determined by the amount of Shoreline Frontage. 183’ of Shoreline is Requiring 40’ Side Yard Setbacks. Relief of 14’ 4” SE and 15’ MW should be granted because the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the district, neighborhood, or community by approval of the variance, to reach this conclusion I have considered the five factors discussed and considered by the Board. Specifically, grant a variance to Todd Toensing and Elizabeth Kohler.</i>		
MOTION MADE BY:	Pete Sowizdrzal		
MOTION SECONDED BY:	Carol DeMello		
MEMBER VOTE:	MEMBER NAME:	YES	NO
	Chairman, Peter Sowizdrzal	X	
	Carol DeMello	X	
	Anthony Galioto	Excused	
	Margaret Adkins	Excused	
	Anne Lincoln	X	
SIGNATURE OF ZBA CHAIRMAN:			

DECISION FORM:

BOARD:	Zoning Board of Appeals
DATE OF APPEAL:	January 18, 2022
APPLICATION NUMBER:	99-Z
NAME:	Jay Cohen
PROJECT ADDRESS:	18 Cayuga Place
TAX MAP NUMBER:	11.13-1-52.000
REQUEST FOR VARIANCE FROM:	Section 4.10 Title Schedules of Use and Area Regulations

PROJECT DESCRIPTION:

Building a 30' x 40' garage with upstairs living space.

REVIEW OF AREA VARIANCE CRITERIA:

Area Variance Criteria:

- 1. As to whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance, the board finds:*

The board agrees that this a pre-existing undersized lot and in order to be able to build on this lot, they would need a variance either way.

- 2. As to whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, the board finds:*

The board agrees that this will not cause an undesirable change and agree that this will be a great addition to the neighborhood.

- 3. Is the requested area variance substantial?*

The board agrees that the area variance is not substantial due to the size of the lot.

4. *As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, the board finds:*

The board discussed and agrees that there will not be an adverse effect or impact on the physical or environmental conditions as this is a minimal size structure with a septic system being installed.

5. *As to whether an alleged difficulty is self-created, the board finds: (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.)*

. The board discussed and do not believe that this is self-created. The Board finds that the applicant is trying to do everything they can to minimize the amount of relief they are requesting. This is a per-existing undersized lot.

PROPOSED MOTION:	<i>A motion is made based on the application submitted and testimony heard that this application for relief of Sections 4.10 pg. 29 Title Schedules of Use and Area Regulations. Specifically Minimum Lot Size of 40,000 sq. ft. and Side Yard Setbacks of 50'. Relief of 5' East Side, 20' West Side and 9' South Side (Rear) be granted because the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the district, neighborhood, or community by approval of the variance, to reach this conclusion I have considered the five factors discussed and considered by the Board. Specifically, grant a variance to Jay Cohen.</i>		
MOTION MADE BY:	Pete Sowizdrzal		
MOTION SECONDED BY:	Carol DeMello		
MEMBER VOTE:	MEMBER NAME:	YES	NO
	Chairman, Peter Sowizdrzal	X	
	Carol DeMello	X	
	Anthony Galioto	Excused	
	Margaret Adkins	Excused	
	Anne Lincoln	X	
SIGNATURE OF ZBA CHAIRMAN:			