



TOWN OF WILLSBORO
ZONING BOARD OF APPEALS

MINUTES
ZONING BOARD OF APPEALS
DATE: August 17th, 2021 at 6:00PM
LOCATION: WILLSBORO TOWN HALL

Present: Chairman - Carol de Mello; Board Members: Peter Sowizdrzal, Anne Lincoln, Margaret Adkins

Excused: Anthony Galioto

Members of the Public: Win Belanger, Jason Sweatt, Cathy Morin, Ghislain Gagne, R Andre Klein, Terry Pulsifer (Willsboro Code Enforcement Officer)

Chairman de Mello called the meeting to order at 6:00 pm.

July 2021 Minutes: No corrections needed. The July 2021 minutes were approved as presented. *A motion was made by Sowizdrzal to accept meeting minutes; seconded by Adkins. All in favor, motion carried.*

Public Hearing: No public hearing.

Old Business: No old business.

New Business:

Cathy Morin – 179 Corlear Drive – 21.5-1-41.00 – RL1 – Replace structurally damaged 2-car garage and breezeway with 1-car garage with family room and second floor bedroom/bathroom

De Mello read the description of their project. Cathy Morin stated that the structure is not structurally sound. They are interested in replacing the damaged structure and would like to add more room for guests. Right now they are about 14 feet from the side yard. Setback is supposed to be 20'. They are seeking relief of 10' on the 20' side-yard setback.

Sowizdrzal clarified that right now their existing structure is about 14', and they could replace using that same footprint but they are looking to have this house be their primary resident. De Mello asked Terry Pulsifer, CEO, if he had any further information to add, and he stated he did not. He added they have been to the planning board and it was approved with the condition that they come to the zoning board of appeals for a variance. Terry Pulsifer also confirmed that the engineered plans have been submitted for the septic and waste water.

De Mello reviewed the Finding of Facts with the board and corrections were made (see attached). There was discussion as to whether the house was built previous to the adoption of the Zoning Ordinance in 1974. Cathy Morin stated that when they removed paneling they found an electrician's card dated 1968 but is not sure exactly when it was built. With that evidence, it was agreed that in all

likelihood, construction commenced before the 1974 zoning ordinance and that may explain why the side-yard setback is in violation.

De Mello asked if anyone had any questions and if we needed anything else. De Mello did have a question in regards to the deed “further granting and conveying to the grantees herein a right of way and easement over and across Haley Avenue for the purpose of reaching this lot herein conveyed”. There was discussion as there may not have been a way to get there years ago. Cathy Morin stated that there was a fence and so it was closed off as well as water was brought their by the property owners.

De Mello had another question in regards to the deed. There was a clause about “restrictive covenants”, and de Mello asked Cathy Morin if she knew what that meant? Morin did not know, and Adkins stated that it might be that they can't have a business or mobile home on the property.

A motion was made by Adkins and seconded by Sowizdrzal to send the case to public hearing on September 21st at 6 pm.

Richard & Sarah Sayward – 269 Coonrod Road – 40.1-2-8.200 – RL-1 – Minor subdivision with existing buildings/side yard setback

De Mello read the description of their project: Wish to subdivide parcel into two lots--each would meet the minimum area requirements. However, since there are already two existing principal residences, a variance for a side or rear yard setback will be necessary. One structure will be 38' from the side yard boundary requiring relief of 12'; the other structure on the smaller lot is 11'6" from the boundary requiring relief of 38'6".—IMPACTS Section 4.10, p. 29, Schedules of Use and Area Regulations. Specifically, need variance for side or rear yard setback. De Mello invited Win Belanger to provide details.

Win Belanger stated that the mobile home was placed on the property in 1986 at a time when the zoning ordinance allowed mobile homes to be placed on a property for the care of an older relative (usually mothers). Setbacks were not at issue on this large lot at the time. The first mother that lived there is deceased. Now Sarah's mother lives there and Rick and Sarah Sayward would like to protect that portion of the property for her (and themselves) as they intend to sell the other house and property.

Mr. Belanger stated that they are lacking 15.4' to be in the current regulations and the planning board initially agreed that they would approve it after they saw the survey. When they saw the survey, the Planning board didn't all agree with the subdivision paragraph in the zoning law-- Section 4.41 page 36. Terry Pulsifer stated that the planning board thinks that they are going to be MORE non-conforming --which leads to the last sentence in the paragraph. However, Terry also stated that Section 4.41 does not apply in this case, but Section 4.33, p. 36, is to be considered. The Zoning board members agreed. Mr. Belanger is hoping for approval and would like to have the public hearing waived since all the neighbors have already signed off on it.

De Mello reviewed the Finding of the Facts and corrections were made (see attached). She asked about the original lot being a corner lot and which road is the front yard? Mr. Belanger stated that Coonrod Road is the front yard. At first, years ago, the front yard was on Middle Road but when the trailer was placed and the driveway was moved to Coonrod Road, Coonrod Road was chosen to be the front yard. De Mello and Sowizdrzal asked that if Coonrod Road is the front yard, then aren't we are looking at a rear backyard setback? Mr. Belanger asked if they needed a front yard setback. Discussion on whether what side, front, or rear setbacks would be needed. Sowizdrzal stated that they really need a rear setback. Lincoln and Adkins agreed.

Terry Pulsifer stated that it is a life lease now, and then would be extended to Rick & Sarah Sayward and when they pass, the trailer would go back to Whitney & Pat Gagniers and the trailer would be removed.

Adkins asked if Mr. Belanger could provide a deed and Mr. Belanger said that he is not able to provide a deed until the property line adjustments are complete.

Mr. Belanger stated that Rick & Sarah Sayward want to sell the property to Pat Gagnier (their tenant). There was a lot of discussion about why the Saywards want to divide the property into two separate lots. To summarize Mr. Belanger, they wish to sell the large Lot 1 to their current tenants and keep for themselves Lot 2 where Sarah's mother currently lives. In agreement with their tenants, they plan to hold a life lease on Lot 2 including the manufactured home, and when they no longer need it, the trailer will be removed and the land revert back to Lot 1.

Mr. Belanger also stated that on July 16, 2021, he (as representative for the Saywards) met at the site with Kevin Hall, surveyor, and the immediate adjoining property owners (George Sayward, Raymond Pfund, and David (Pat) Gagnier (tenant)). They determined and agreed on all property lines and Mr. Hall prepared the attached survey. The parties intend to have new deeds recorded with these lines.

De Mello stated that she had read a note somewhere that Mr. Belanger wanted the public hearing waived considering that all the neighbors have been involved and walked the property. Most board members thought that was not possible.

De Mello stated that the .92 acres (Lot 2) meets the minimum area requirement. Terry Pulsifer stated that the original division did not meet those requirements. Mr. Hall did adjust to have the required amount for the zoning. Terry Pulsifer stated that the planning board looked at it as if it needed a side yard setback. Zoning board stated that it should be a rear yard setback.

De Mello reviewed the Finding of Facts and corrections were made--the variance needed will be for relief of a rear-yard setback for 38'6". Sowizdrzal asked Terry Pulsifer what the application number is for Zoning – Terry Pulsifer stated 86Z.

Terry Pulsifer stated that the bigger principle is having two primary buildings on one lot, something that is not allowed in our zoning law. Much discussion followed between de Mello, Sowizdrzal, Adkins, and Lincoln. The trailer actually sits on 0.01 acre and is currently taxed as such. Sowizdrzal stated they are making it conforming as best as they could. De Mello states that he needs a variance because of the rear yard setback. The board agreed they don't have the right to waive a public hearing.

A motion was made by Sowizdrzal and seconded by Lincoln to send the case to a public hearing on September 21st at 6 pm. Mr. Belanger clarified that there was not a requirement for him to be present for public hearing. The board stated that he doesn't need to, but it is recommended, and Mr. Belanger asked what the next steps were for them. Mr. Belanger will need to get paperwork from Terry Pulsifer and they can proceed.

Jason Sweatt – 43 Mountain View Drive – 39.1-2-9.000 – Enlarge existing garage by extending it 40' into the front yard

De Mello stated that Jason Sweatt would like to enlarge his garage and asked him to provide more details about his project. Jason Sweatt stated that back in 2012 he wanted to put up a garage. He was able to build what he could and he would like to now finish his project. De Mello stated that Jason Sweatt came to the ZBA in 2012 for a variance for a garage in the front yard and then came back in 2014 to renew it. De Mello read the minutes for Jason Sweatt's case from 2012. De Mello asked Mr. Sweatt if it was still the case that the garage was purely for his use and to not service other individual's vehicles – yes, still the case Jason Sweatt stated.

In April 2014, the variance had expired and he couldn't get a building permit. De Mello read minutes from the April 2014 meeting in regards to Jason Sweatt's project where he was granted an extension

of the variance. When it came time to build, he only had enough materials to build a 16' x 30' structure. He also received permission from the county and put in a driveway to directly service the garage. The garage doors to the proposed extension will face the road at the new driveway location. Mr. Sweatt did put in a hedgerow of cedars as stated from the original variance. Terry Pulsifer showed an aerial view of the garage to confirm it is detached and its location. De Mello and Sowizdrzal stated the Jason Sweatt will need a variance as the structure he would like to build is larger than what he was originally approved for.

There followed a discussion to confirm information presented on the Finding of Facts. Discussion centered on exactly how much of a front yard variance was necessary. Jason Sweatt stated that the relief would be 16' difference from the initial permit. A distance wasn't specified at the time because the law didn't require it. According to the measurements presented, the requested relief would be for 65' of a 100' front yard setback as the proposed location is 35' (determined from the original measurements and estimated from the centerline of the road and adjustments made for the county road right of way). De Mello stated that he already had a variance for a garage length of 40' and so it should be for 16' more feet. Lincoln stated that she thinks we should state that there should be an additional relief of 16'. There was discussion about how the new zoning law changed the regulations about a garage in the front yard, and the ZBA will proceed based on the new law. Sowizdrzal asked what relief we are looking for. De Mello stated that he is looking for an additional 16' from the original granted variance. De Mello stated that the garage is going to be a little simpler and not a salt box style.

A motion was made by Lincoln and seconded by Sowizdrzal to send this case to a public hearing on September 21st, 2021 at 6 pm.

Jason Sweatt asked if he needs to be here. Terry Pulsifer and the members of the board stated that if there are some questions, it would be best if Jason Sweatt was there to answer any questions and that they highly recommend that he attends.

De Mello asked if there was any other business. Members of the board stated there was no other business.

A motion was made by de Mello and seconded by Sowizdrzal to adjourn the meeting at 7:32 pm.

Please note the following corrections on the application numbers:

Morin-Gagne – 2021-85Z

Sayward – 2021-86Z

Sweatt – 2021-87Z

Respectfully Submitted,

Morgan Denton
Secretary for Planning and Zoning Board

FINDINGS OF FACT--Draft
Submitted by Carol de Mello

Variance Application 2021-85Z--Morin-Gagne
August 17, 2021

Property location: 179 Corlear Drive, Willsboro (21.5-1-41.000)
Zoning District: RL-1

PROJECT DESCRIPTION:

Replace structurally damaged 2-car garage and breezeway with 1-car garage with first-floor family room and second floor bedroom/bathroom.--IMPACTS Section 4.10, p. 29, Schedules of Use and Area Regulations. Specifically, need variance for side-yard setback regulation of 20'--wish to move garage to 10' from property line requiring relief of 10'.

ZONING REQUIREMENTS:

Minimum lot size: 40,000 sq. ft. (original lot size 0.50 acres = 21,780 sq. ft.)
Front or Shoreline setback: 50' (in compliance)
Rear* yard setback: 50' (in compliance)
Side Yard setback: 20' (120' lake frontage--request relief of 10' on north side yard)
Maximum Lot Coverage: 15% (3,267 sq. ft.--not an issue)
Maximum bldg. height: 35' (not an issue)

According to the property record, the buildings and improvements total 1,612 sq. ft., under the 3,267 sq. ft. allowance. The proposed structure will be approximately 2,056 sq. ft. which is still under the lot coverage allowance.

First Zoning Ordinance was adopted in 1974--regulations for side-yard setback were 20/40 feet for One/Both for 90'-125' of waterfront.

*Becomes "Front" yard on a shoreline property.

Move to public hearing?--Yes

Motion?

FINDINGS OF FACT--Draft
Submitted by Anne Lincoln

Variance Application : 85Z
Tax map:21.5-1-41.00

Name: Cathy Morin and Ghislain Gagne
Property location: 179 Corlear Drive
Zoning District: RL-1

Project description: Replace garage with new structure that includes a 1 car garage, family room and 2nd floor bedroom and bathroom. Existing septic will be updated to accommodate a 3 bedroom house. Seeking relief of section 4.10, page 29, side yard setback of 10 feet.

ZONING REQUIREMENTS:

Minimum lot size:	40,000 square feet <i>Preexisting undersized lot</i>
Front or Shoreline setback:	50
Rear yard setback:	50
Side Yard setback:	20 (<i>present building is currently less than 20 feet from property line</i>)
Maximum Lot Coverage:	15%
Maximum bldg. height:	35 feet

According to the property record, the buildings and improvements total 1612 sq. ft, over/under the 3067.8 allowance.

Move to public hearing?— YES

Motion ?:

FINDINGS OF FACT--Draft
Submitted by: Pete Sowizdrzal

Variance Application 2021-85Z Cathy Morin -Ghislain Gagne
Date: August 17, 2021

Property location: 179 Corlear DR, Willsboro (21.5-1-41.000)
Zoning District: RL-1 (Residential - Low Density)

PROJECT DESCRIPTION: Replace structurally damaged 2 car garage and breezeway with 1 car garage, family room and 2nd floor bedroom/bathroom over garage.

–IMPACTS Section 6.12 #2 - pg.58. Side yard setbacks for 100' of lake shore is 20'. Requesting relief of 10' on northside of lot. Section 4.10 pg. 29.

ZONING REQUIREMENTS:

Minimum Lot Size:	40,000 sq. ft. (21,780 sq. ft.- existing lot)
Front or Shoreline Setback:	50' (In Compliance)
Rear Yard Setback:	50' (In Compliance)
Side Yard Setback:	20' (Request relief of 10' on northside of lot,
Maximum Lot Coverage:	15% (In Compliance)
Maximum Bldg. Height:	35' (Not an issue)

The existing 2 car garage and breezeway is structurally damaged and needs to be replaced. New septic system is being put in. Want to make it year-round.

Move to public hearing? – Yes

Motion?

FINDINGS OF FACT—Rev. 1
Submitted by Carol de Mello

Variance Application 2021-90Z—Sayward, Richard & Sarah
August 17, 2021

Property location: 269 and 273 Coonrod Road, Willsboro (40.1-2-8.200 and 40.1-2-8.200/1, respectively)
Zoning District: RL-1 and RR

PROJECT DESCRIPTION:

Subdivide parcel at 269 into two lots--each would meet the minimum area requirements for area. The smaller, newly created "Lot 2" will need a variance for rear-yard setback relief of 38'6", as the existing structure is 11'6" from the boundary line.—IMPACTS Section 4.10, p. 29, Schedules of Use and Area Regulations and Section 4.33, p. 36, Subdivision of a Lot With Existing Buildings; specifically, the lot cannot meet the setback requirements of the code, so a variance is necessary.

Right now 273 Coonrod has a manufactured home on leased land of 269 Coonrod Road. It was approved by the ZBA in 1986. However, since there are already two existing principal residences, a variance for a rear yard setback will be necessary on the new lot (referred to as Lot 2 on the survey map). The structure on Lot 2 is 11'6" from the boundary requiring relief of 38'6". The detached garage on Lot 1 meets the setback requirements so is not an issue.

Since the majority of the lot is in RL-1 and no structures are within 30' of RR, only the regulations for RL-1 need to be considered.

ZONING REQUIREMENTS for RL-1 for 269 Coonrod Road (Lot 1):

Minimum lot size:	40,000 sq. ft. (new lot size 4.85 acres = 211,266 sq. ft.)
Front yard setback:	50' (in compliance)
Rear yard setback:	50' (in compliance)
Side Yard setback:	50' (in compliance, 10' for detached garage)
Maximum Lot Coverage:	15% (not an issue)
Maximum bldg. height:	35' (not an issue)

According to the property record, the buildings and improvements total 3,438 sq. ft., well under the 31,690 sq. ft. allowance.

ZONING REQUIREMENTS for RL-1 for 273 Coonrod Road (Lot 2):

Minimum lot size:	40,000 sq. ft. (new lot size 0.92 acres = 40,240 sq. ft.)
Front yard setback:	50' (in compliance)
Rear yard setback:	50' (Request relief of 38'6" as structure is already located at 11'6")
Side Yard setback:	50' (in compliance)
Maximum Lot Coverage:	15% (not an issue)
Maximum bldg. height:	35' (not an issue)

Questions—original property (269 Coonrod Road) is in two districts: RR and RL-1. See Section 4.24, p. 35, Lots in Two or More Districts. Relevance? Information at meeting provided that Section 4.24 is relevant if the structures were within 30' of the other district boundary.

Original property (269) is a corner lot; see Section 5.43, p. 44, Corner Lots. Owner chooses front and side yards. New smaller lot (273) will now be the corner lot and violate either rear or side yard regulations. Information at the meeting provided that Coonrod Road is the front yard for both properties.

Move to public hearing?—Yes

FINDINGS OF FACT--Draft
Submitted by Anne Lincoln
Variance Application : 90Z
Tax map: 40.1-2-8.200

Name: Richard and Sarah Sayward
Property location: 269 and 273 Coonrod Road
Zoning District: RL-1 with a small section in RR

Project description: Create a minor subdivision of an approximately 5.77 acre lot putting the existing buildings each on a lot that meets the zoning requirements for size: Lot one will be 4.85 acres and Lot 2 will be 0.92 acres. Relief is needed for a rearyard setback for Lot 2 of 38.5 feet. This property is on a corner lot with the determined front yard on Coonrod Road.

ZONING REQUIREMENTS:

Minimum lot size:	40,000 square feet
Front or Shoreline setback:	50
Rear yard setback:	50
Side Yard setback:	50
Maximum Lot Coverage:	15%
Maximum bldg. height:	35

According to the property record, the buildings and improvements total _____ sq. ft, over/under the allowance.

Move to public hearing?— *YES*

Motion ?:

FINDINGS OF FACT--Draft
Submitted by: Pete Sowizdrzal

Variance Application 2021- 90Z - Richard & Sarah Sayward
Date: August 17, 2021

Property location: 269 Coonrod RD, Willsboro (40.1-2-8.200)
Zoning District: RL-1 (Residential - Low Density) - Some property is in RR zoning district.

PROJECT DESCRIPTION: A minor sub division of a lot with existing buildings. This lot, since 1986/7 has contained 2 principal dwellings with separate septic systems and different tax ID's. Subdivide the 2 lots so that they will both be conforming lots.

–IMPACTS Section 4.10 pg. 29 - Rear yard setback is 50'. Will need relief of 38' 6". Trailer is 11' 6" from property line.

ZONING REQUIREMENTS:

Minimum Lot Size:	40,000 sq. ft. (Both lots will be in Compliance)
Front or Shoreline Setback:	50' (In Compliance)
Rear Yard Setback:	50' (Will need relief of 38' 6"). 11' 6" from property line.
Side Yard Setback:	50' (In Compliance)
Maximum Lot Coverage:	15% (In Compliance)
Maximum Bldg. Height:	35' (Not an issue)

Minor subdivision with 2 existing structures and Tax ID's from 1986/7. Variance was issued for this in 1986/7.

Move to public hearing? – Yes

Motion?

FINDINGS OF FACT-Rev. 1
Submitted by Carol de Mello

Variance Application 2021-89Z-Sweatt, Jason
August 17, 2021

Property location: 43 Mountain View Drive, Willsboro (39.1-2-9.000)
Zoning District: RR

PROJECT DESCRIPTION:

Enlarge existing garage by extending it 40' into the front yard.-IMPACTS Section 4.10, p. 33, Schedules of Use and Area Regulations and Section 5.52, p. 45, Location of Detached Accessory Buildings in Required Yard Area. A variance was granted originally for a garage sized 32' x 40' in the required front yard in February, 2012, and again in April, 2014, after an extension was granted because of unforeseen difficulties in starting the project on time. Mr. Sweatt could not complete the entire structure as planned and built a garage measuring 30' x 16'. This requested addition would make the finished size 30' x 56'.

ZONING REQUIREMENTS:

Minimum lot size:	350,000 sq. ft. (original lot size 1.70 acres = 74,052 sq. ft.)
Front yard setback:	100' (Request additional relief of 16', proposed location at 35'*)
Rear yard setback:	150' (in compliance)
Side Yard setback:	100' (10' for accessory structure--in compliance)
Maximum Lot Coverage:	15% (not an issue)
Maximum bldg. height:	35' (not an issue)

According to the property record, the existing buildings and improvements total 4,057 sq. ft., well under the 11,108 sq. ft. allowance. The addition of 1200 sq. ft. does not affect lot coverage.

*Variance in 2012/2014 granted the location of the building in the required front yard and a distance was not defined according to the regulations at that time. Since he was granted a variance for a building that would have been 40' in length, relief of an additional 16' is all that is required.

Move to public hearing?--Yes

Motion?

FINDINGS OF FACT--Draft
Submitted by Anne Lincoln

Variance Application : 89Z
Tax map:39.1-2-9.000

Name: Jason Sweatt
Property location: 43 Mountain View Drive
Zoning District: RR

Project description: Enlarge existing garage from current size of 16 x 30 to 30 x 56. Needs 16 additional feet of variance from variance previously granted in 2014. Affects section 4.10, p 33. .

ZONING REQUIREMENTS:

Minimum lot size: 350,000 square feet	<i>Preexisting undersized lot of 1.7 acres (74,052 square feet)</i>
Front or Shoreline setback:	100 <i>Needs relief of 65 feet</i>
Rear yard setback:	150
Side Yard setback:	100
Maximum Lot Coverage:	15%
Maximum bldg. height:	35 feet

According to the property record, the buildings and improvements total _____ sq. ft, over/under the allowance.

Move to public hearing?-- *YES*

Motion ?:

FINDINGS OF FACT--Draft
Submitted by: Pete Sowizdrzal

Variance Application 2021- Z - Jason Sweatt
Date: August 17, 2021

Property location: 43 Mountain View DR, Willsboro (39.1-2-9.000)
Zoning District: RR (Residential - Rural Density)

PROJECT DESCRIPTION: Build a 30' x 56' garage (Originally approved 32' x 40' garage in 2014. Existing garage is 16' x 30')

-IMPACTS Section 4.10 pg. 33 - Front yard setback is 100'. Section 5.52 #2pg. 45 - An accessory building may NOT protrude into the required front yard. Garage will be 68.3 ft. from road. Need relief of 31.7 ft. from front yard setback. It would be an additional 16' from what was granted in 2014.

ZONING REQUIREMENTS:

Minimum Lot Size:	350,000 sq. ft. (74,052 sq. ft.- existing undersize lot)
Front or Shoreline Setback:	100' (Garage will be 68.3 ft. from road. Need relief of 31.7 ft. from front yard setback.) Additional 16' than what was approved in 2014
Rear Yard Setback:	10' (In Compliance)
Side Yard Setback:	10' (In Compliance)
Maximum Lot Coverage:	15% (In Compliance)
Maximum Bldg. Height:	35' (Not an issue)

This is an existing undersize lot. Property slopes up so would be hard to put farther away from the road.

Move to public hearing? – Yes

Motion?