



TOWN OF WILLSBORO
ZONING BOARD OF APPEALS

MINUTES
ZONING BOARD OF APPEALS
DATE: December 21st, 2021 at 6:00PM
LOCATION: WILLSBORO TOWN HALL

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

Excused: Margaret Adkins, Anthony Galioto

Members of the Public: Jeffrey Bigelow, Spencer Hathaway, Todd Toensing & John Ridgely

Chairman de Mello called the meeting to order at 6:08pm.

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

Public Hearing: No public hearing

Old Business: No old business.

New Business:

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

DeMello asked Todd Toensing to describe his project. Toensing stated that he is closing in on retirement and would like to put a house there that fits his family and keep it a single story. Toensing stated that where the house is going 135' wide and that part of the plan is to shore up the waterfront and Peter Gibbs is doing that and the septic. Sowizdrzal asked what his plan was with the waterfront and Toensing stated he wasn't sure what the exact plan was but going to bring it around to the 99' level. DeMello questioned where on the drawing what direction north was and discussion followed in regards to what points on the drawing needed variance relief.

Sowizdrzal asked questions in regards to square footage and he stated that he saw that the square footage was 2,346 for the house. DeMello stated that in the letter that the applicant submitted it states that the square footage will be about 3,354 including the garage.

Sowizdrzal stated that the septic will be between the garage and the road and asked if that was the area that was currently staked out on the property. Sowizdrzal asked if Toensing will be keeping the swale in the same spot. Toensing stated that he is hoping to keep the ditch in the same spot so it doesn't need to be altered.

The board reviewed their findings of facts. DeMello stated that variance relief is needed for a side yard setback which requires 40'. DeMello stated that the front yard is defined as that closest to the street and no variance is needed. Variance relief of 14'4" is needed on the southwest corner, and 15' relief is needed on the northwest corner. DeMello asked Toensing if they could get a copy of the deed to the board and they will review the deed at the January meeting.

Lincoln, Sowizdrzal and DeMello all agreed that this was a very complete application and a very well job done on the application. ***Lincoln made a motion to move this to a public hearing on January 18th, 2022 at 6pm, seconded by Sowizdrzal. All in favor, motion carried.***

Toensing stated that he has contacted all of the neighbors and they are all in favor of a new building to go up.

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

DeMello asked the contractor, Jeffrey Bigelow, for the Jay Cohen project to describe the project. Jeffrey Bigelow stated that they want to build a 30'x40' garage with living space up above. Bigelow realized that Cohen needed an undersized lot variance. Bigelow asked how far off the power lines the building needed to be. Bigelow stated that right now he would be 30' and he is asking for an undersized lot variance and will need side yard setbacks and this is also within 500' of the shoreline. Bigelow stated that he has been to the planning board and was sent to the ZBA.

DeMello stated that this applicant does not meet the two-thirds rule for pre-existing undersized lots which would allow construction without a variance. In the RL-1 district 26,667 square feet would be two-thirds of the 40,000 square feet lot size required, and Cohen only has 17,424 square feet. Sowizdrzal stated that this is an existing lot and DeMello reviewed Section 4.23 Existing Undersized Lots and read the section. Sowizdrzal asked if they need to have an existing structure on the property and DeMello stated no and again read the rules to confirm an existing structure was not needed. There was further discussion about whether the RL-1 setback requirements apply if there is no existing structure and the two-thirds rule cannot be met. Lincoln stated that the subdivision was back from the 20's. Sowizdrzal stated that the subdivision was done when Buena Vista was also done and broken down into 50' lots. Sowizdrzal stated that the whole Point was broken down into 50' x 125' lots and then the APA came aboard. Mr. Hatch who owned the majority of the property agreed that the 2-lot minimum should be able to have a proper septic system done on that property. Lincoln stated that you basically have to have two original lots. Bigelow asked to see a copy of the deed. Bigelow read the deed that the individual lots must not be subdivided. Bigelow stated that he believes this lot is 110'x170'. DeMello stated that the applicant is going to need serious drainage. Bigelow stated that they are going to do that and also clear more trees.

DeMello stated that because this is an existing undersized lot and Terry Pulsifer, CEO, is telling us that the applicant needs a variance, DeMello asked since this is an undersized lot do you go by the two-thirds rule or do you go with the original RL-1 requirements that are larger. Sowizdrzal stated that he believes that you go with the RL-1 unless the applicant meets every requirement on the undersized lot. Lincoln agreed with Sowizdrzal. Bigelow asked if he needed a setback regardless and Sowizdrzal stated yes. DeMello stated that we are going to use the original lot size regulations which require 50' side yard setbacks. DeMello stated he will need a relief of 5' on the east (building to be placed at 45' from boundary) and 20' on the west side (building to be 30' from boundary).

Sowizdrzal asked about the power line and Bigelow stated that he should be fine because he thinks it is 30' off the power line. Bigelow stated that he will call Rob Bruno to ask him. Sowizdrzal stated that NYSEG told him 10' when he had new power lines put in place by his place. DeMello reviewed the finding of facts with the board.

Bigelow asked if it makes sense if he went for a little more variance on one side so if he runs into something unknown during the construction process that he wouldn't be in violation. Discussion followed on how it might be possible to allow for unknown obstacles and the Zoning Board of Appeals would like clarification from Terry Pulsifer, CEO, on the actual measurements, whether they include the overhang or not when considering setback measurements.

Sowizdrzal asked if Bigelow wanted a relief of 25' on west and 10' on the east. Bigelow asked what the board thought he should do. Lincoln stated that the paperwork needs to all be consistent as this needs to go to the APA. DeMello recommended that Bigelow talk to the applicant and go out there and come back next month with the dimensions. Bigelow stated that he is not around for a few months and Bigelow stated to go with the original setbacks that were requested. Sowizdrzal stated that Bigelow and the applicant can come back to the board if they need a different relief. Bigelow asked if this would go to a public hearing next month. The board stated he was correct that this would go to a public hearing. Lincoln asked how soon he was going to start. Bigelow stated that this project wouldn't be started until after the applicant is back – around May or so. Lincoln asked how long he has from when this is approved to start the work. DeMello stated that he has six months until he has to get a building permit. Bigelow stated that he wanted to start the permitting process and if the ZBA does approve then he has to go to the Planning Board with stamped set of plans. Sowizdrzal stated that if it's one building you have to consider everything for the square footage. Bigelow stated that at first, he didn't think he needed the stamped plans because he thought it was just for living space.

DeMello stated that the board will stick with 20' relief on the west side and 5' relief on the east side. DeMello further reviewed the finding of facts. Bigelow stated that the tallest the building would be with a 12-12 pitch would be 34'. DeMello suggested that if Bigelow has a chance to go out and measure out the 30' and to confirm with applicant just to be sure that this is what he wanted, would be a good idea. ***Sowizdrzal made a motion to move this to a public hearing on January 18th, 2022 at 6pm; seconded by Lincoln.***

Bigelow asked if he should get on the Planning Board next month. DeMello stated that he could do that. Morgan Denton told Bigelow that Terry Pulsifer would need that information by the 15th of January to be put on the agenda for the January meeting for the Planning Board.

DeMello stated that there are rumors again that there is a Dollar General coming. Members received letters personally and some were sent to the town hall address. Morgan Denton explained that someone called and asked for the mailing addresses of members of the ZBA and Planning Board and we informed them that we are not giving out personal information. DeMello and Lincoln stated that these people know them personally. DeMello stated that we don't know if this will come to the Zoning Board of Appeals but Yvonne Pierce is just making all of us aware and that they did do some work on it the first time the Dollar General came to the town.

DeMello stated that all members of the ZBA received a copy of a letter from the Town's attorney addressed to the Willsboro Planning Board. Sowizdrzal stated that it is about the Planning Board and how things are run and what you can and can't discuss. DeMello stated that it might be from the Benedict project. Lincoln asked if that went through. DeMello stated that they approved it. Lincoln

stated that there was machinery and other things that have since been removed. DeMello stated that the project is under Article 78 and it's in court. Lincoln stated that it is probably going to take forever to get resolved. DeMello stated that she could put in a professional office building.

A motion was made by Sowizdrzal and seconded by Lincoln to adjourn the meeting at 7:10pm. All in favor, motion carried.

Respectfully Submitted,

Morgan Denton
Secretary for Planning and Zoning Board

FINDINGS OF FACT-Rev 1
Submitted by Carol de Mello

Variance Application 2021-100-Z-Toensing-Kohler
December 21, 2021

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 southwest 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 SW; 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 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.

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)
Rear Yard Setback:	50' (In compliance)
*Side Yard Setback:	40' (Need relief of 14' 8" 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 1
Submitted by Carol de Mello

Variance Application 2021-99Z—Jay Cohen
December 21, 2021

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. 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' (in compliance)
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

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')
*Side Yard Setback:	50' (Need Relief of 10' 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?