



TOWN OF WILLSBORO  
ZONING BOARD OF APPEALS

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MINUTES  
ZONING BOARD OF APPEALS  
DATE: April 19<sup>th</sup>, 2022 at 6:00PM  
LOCATION: WILLSBORO TOWN HALL

**Present:** Chairman – Peter Sowizrzal; Board Members: Anne Lincoln, Carol DeMello, Anthony Galioto, Susan Mueller

**Members of the Public:** Jeffrey Bigelow, Spencer Hathaway, Trisha Sheehan, Philip Moore

Chairman Sowizrzal called the meeting to order at 6:02pm.

Sowizrzal stated that we have a new member and welcomed Susan Mueller.

**January 2022 Minutes:** DeMello stated that she had a correction to the January 2022 minutes on page 3. DeMello provided the wording on how she interpreted what she stated during the January 2022 meeting. Morgan Denton stated she would make these corrections. *A motion was made by DeMello to amend the January 2022 minutes and include the following interpretation 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, seconded by Galioto. All in favor, motion carried.*

**Public Hearing:** No public hearing.

**Old Business:** No old business.

**New Business:**

**Joseph & Judy Cardinale – 323 Corlear Drive – 11.17-1-52.000 – RL-1 – Demolition of existing camp and replacing the new larger structure**

Trisha Sheehan was present representing the project. Sheehan stated that the applicant has a cottage that they would like to tare down and rebuild in the same footprint but slightly larger. Sheehan stated

that they would not be going closer to the waterfront or closer to the neighbors, that they would be going closer to the driveway.

DeMello asked for the dimensions from the cottage to the next parcel. Bigelow stated that he could get those measurements to the board prior to the next meeting. Discussion followed on the measurements.

DeMello stated that she thinks the cottage was moved in 2013 and brought up previous variances that may have been granted.

Sheehan stated that the applicant owns part of the road and it wasn't the applicant's choice for the town to take over part of their property for the road. Bigelow asked if the applicant would need a side yard setback. DeMello confirmed that the applicant will be tearing down the existing structure and building a new structure that is slightly larger.

Bigelow asked if the applicant would need a variance even though the applicant owns the next parcel over. No one answered Bigelow's question. DeMello stated they would need a variance. DeMello stated that there are certain things that may be grandfather in but when you are tearing down an existing structure and building a new structure that is bigger, the applicant will need all the variances granted. DeMello stated that the lot is about 100' wide and that there will need to be variances granted on the north and south sides. Sheehan stated that they will need 11' variance on the north side and 17' variance on the south side. Bigelow stated that the parcel is about 220' x 100' and Sowizdrzal agreed. Sowizdrzal stated that maximum lot percentage is not an issue. Sowizdrzal confirmed that the height won't be over 35'. Sheehan confirmed he was correct.

DeMello stated that she did not see any plans within the application. Sheehan stated that they have a floor plan but the applicant is in the process of getting engineered house plans. Sheehan stated that the plans are not finalized yet as the applicant does not want to invest in the plans until they have been granted the variances.

Bigelow stated that the existing septic tank is 1000 gallons.

The board reviewed the measurements.

DeMello asked if there had been a survey done. Sheehan stated that there hadn't been one done in the last couple of years. Sheehan asked what information she needed to provide to the board. The board agreed that Sheehan needed to provide a site plan with measurements. ***A motion was made to move this application to a public hearing on May 17<sup>th</sup>, 2022 at 6pm, seconded by Galioto. All in favor, motion carried.***

**Philip & Betsy Moore – 41 Rowley Way – 21.13-1-20.000 – RL-1 – Remove & replace old summer camp with 2-bedroom home**

Sowizdrzal stated that the board has the same questions as they did with the last project. Sowizdrzal asked Moore if he had any measurements of the lot so the board could determine the side yard setbacks. Moore and the board reviewed plans.

Sowizdrzal stated that the board will need to be provided with a drawing with measurements based on the new structure.

Sowizdrzal stated that Moore is about 41.7' from the water. DeMello stated that this is what Terry Pulsifer (CEO), provided from the computer program. DeMello stated that Moore may be more like 60' from the water. Moore stated that it is to the main high-water mark and it would be about 50'-52' from the water. Moore stated that he plans to have the new proposed structure where the existing structure is but if he needs to move the structure a few feet back to meet the regulation from the footage off the lake, he is willing to do so. DeMello and Galioto agreed that Moore's current structure is more than 50' from the water.

Moore stated that the new structure would be about 25' tall.

DeMello reminded Moore that according to the APA, if you go two feet larger in any direction, than the existing structure, variances are required.

The board review facts and findings sheet and discussed the size of the lot and determined the size of the lot is .83 acres.

Moore asked if the neighbors had to have a legitimate reason when they are able to voice their opinion at the public hearing. Sowizdrzal stated that the board asks that the applicant really puts thought and detail into the five questions that are on the application and then the board reviews what the applicant says and also goes through the same five questions. DeMello stated that at the public hearing anyone can come to voice their opinion and the board takes that into consideration but no one person can stop a project and the boards decision is based on facts.

DeMello recommended that the applicant should come to the board at once and ask for everything they want. DeMello stated that it doesn't mean that you may get everything you are asking for but that maybe compromises could be made.

***Lincoln made a motion to move this application to a public hearing on May 17<sup>th</sup>, 2022, based on the applicant providing the board with a site plan with measurements and a copy of the deed, seconded by Galioto. All in favor, motion carried.***

Sowizdrzal asked if anyone on the board had any other business to bring up.

DeMello stated that she had a proposal on how sections 5.51 and 5.52 should be changed. Sowizdrzal stated that himself and Galioto sat through the first solar training, Lincoln attended the second one and Sowizdrzal is signed up for the third and fourth trainings.

Sowizdrzal mentioned that the comprehensive plan is over ten years old and should be reviewed especially with the solar regulations that are now out and especially because there isn't anything about solar in the comprehensive plan. Sowizdrzal stated that the comprehensive plan should at least state that we follow New York State.

Mueller asked the difference between comprehensive plan and the zoning law. Lincoln stated that the comprehensive plan was put together by a group of people with a view of what they wanted for the town.

The board reviewed procedures with Mueller.

***A motion was made by Sowizdrzal and seconded by DeMello to adjourn the meeting at 7:18pm. 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 2022-109-Z (Joseph & Judy Cardinale)  
April 19, 2022

Property location: 323 Corlear Dr (Tax#: 11.17-1-52.000)  
Zoning District: RL-1 (Residential - Low Density)

PROJECT DESCRIPTION: Demolition of Existing Camp (approx. 19' x 40') and replacing it with a 28' x 40' camp with 28' x 8' deck on the west side.

**-IMPACTS Section 4.43 -2, pg. 37 -Nonconforming Structures on Existing Lots.** Structures that do not meet the setback or lot coverage requirements set forth in this law may be continued, but if the owner desires to tear down and replace such structure, every reasonable effort should be made to make the new structure conform to the setback and lot coverage requirements set forth in this law. If the new structure location cannot be made more conforming, then the owner may rebuild the same size structure (meaning no larger than the three-dimensional foot print of the existing structure) in the same foot print as the existing structure, without a zoning variance. If the owner desires to increase the size of the existing three-dimensional foot print by building higher or wider or deeper than the existing structure, then a zoning variance is required.

**-IMPACTS Section 4.10 pg. 29 - Schedules of Use and Area Regulations.**

ZONING REQUIREMENTS:

Minimum Lot Size:	40,000 sq ft. (0.3 acres - 13,068 sq. ft.)
Front Yard Setback	50' (52' - In compliance)
Shoreline Setback:	50' (N/A)
Rear Yard Setback:	50' (50' In Compliance)
*Side Yard Setbacks:	50' (South side Relief of 17' - North side Relief of 11')
Maximum Lot Coverage:	15% (Not an Issue) 15%= 1,960 sq. ft.-New Build = 1,344 sq. ft.
Maximum Bldg. Height:	35' (Not an Issue)

\*Side yard setback of 50' is not superseded by Shoreline regulations.

**Ruling:**

Motion?

FINDINGS OF FACT-REV 1  
Submitted by Carol de Mello

Variance Application 2022-109Z-Cardinale, Joseph & Judy  
April 19, 2022

Property location: 323 Corlear Dr., Willsboro (11.17-1-52.000)  
Zoning District: RL-1

PROJECT DESCRIPTION:

Demolition of existing camp (approximately 19' x 40') and replacing it with a 28' x 40' camp with a 28' x 8' deck on the west side. **IMPACTS Section 4.10, p. 29, Schedules of Use and Area Regulations, and Section 4.43.2, p. 37, Nonconforming Structures.** Specifically, 50' side yard setbacks requirement cannot be met. Require variance of 11' on the north side and 17' feet on the south side. Variance required per Section 4.43.2 because new structure is larger and not the same footprint as the original.

ZONING REQUIREMENTS:

Minimum lot size:	40,000 sq. ft. (original lot size 0.30 acres = 13,068 sq. ft.)
Front yard setback:	50' (in compliance)
Rear yard setback:	50' (in compliance if depth is 220' as stated by Sheehan)
Side Yard setback:	50' (need variance of 11' on north side & 17' variance on south)
Maximum Lot Coverage:	15% (1,960 sq. ft.; not an issue)
Maximum bldg. height:	35' (not an issue)

According to the application, the proposed structure (1120 sq. ft.) and deck (224 sq. ft.) total 1,344 sq. ft. which is under the 1,960 sq. ft. allowance.

Questions:

What is the distance to the property line from the proposed deck? 92' was stated at the meeting based on a property depth of 220'.

Where are the plans? The plans are in progress.

Is a survey available? Sheehan's not sure, but will check.

Note added 4-22-2022: According to the GIS map, I got measurements of the lots lines as 154.50' on the north; 116' on the east (Corlear Dr.); 103.54' on the south; 98.30' on the west bordering their lakefront lot. I have emailed this information to the Board and asked Terry and Pete to somehow verify this.

FINDINGS OF FACT-REV 1  
Submitted by Tony Galioto

Variance Application 2022-109Z-Cardinale, Joseph & Judy  
April 19, 2022

Property location: 323 Corlear Dr., Willsboro (11.17-1-52.000)  
Zoning District: RL-1

PROJECT DESCRIPTION:

Demolition of existing camp and rebuild new camp. Existing camp is 19'x40' and proposed new building is 28'x40', with a new 28'x8' deck on west side of building.

IMPACTS SECTIONS:

Section 4.10 p. 29 & 4.43 #2 p. 37 Schedules of Use and Area Regulations.

Additional info: Larger structure being built on existing small lot causing a nonconforming situation requiring a variance, and a side yard setback variance requirement. Require build prints..

ZONING REQUIREMENTS:

Minimum lot size:	40,000 sq. ft.
Front yard setback:	50'
Rear yard setback:	50'
Side Yard setback:	50' Relief of 17' south and 11' north
Maximum Lot Coverage:	15% 1960.2 sq ft (not an issue)
Maximum bldg. height:	35'

According to the property record, the buildings and improvements total 616.2 sq ft under the 1920.2 sq ft allowance. Total new lot coverage 1344 sq ft.

Questions:

What is the distance to the property line from the proposed deck? 92' was stated at the meeting based on a property depth of 220'.

Where are the plans? The plans are in progress.

Is a survey available? Sheehan's not sure, but will check.

Moved to a public hearing on May 17, 2022.

FINDINGS OF FACT--Draft  
Submitted by: Pete Sowizdrzal

Variance Application 2022-110-Z (Philip and Betsy Moore)  
April 19, 2022

Property location: 41 Rowley Way (Tax#: 21.13-1-21.000)  
Zoning District: RL-1 (Residential - Low Density)

PROJECT DESCRIPTION: Remove and Replace Old Summer Camp with 3 Bedroom Year Around Home.

**-IMPACTS Section 4.43 -2, pg. 37 -Nonconforming Structures on Existing Lots.** Structures that do not meet the setback or lot coverage requirements set forth in this law may be continued, but if the owner desires to tear down and replace such structure, every reasonable effort should be made to make the new structure conform to the setback and lot coverage requirements set forth in this law. If the new structure location cannot be made more conforming, then the owner may rebuild the same size structure (meaning no larger than the three-dimensional foot print of the existing structure) in the same foot print as the existing structure, without a zoning variance. If the owner desires to increase the size of the existing three-dimensional foot print by building higher or wider or deeper than the existing structure, then a zoning variance is required.

**-IMPACTS Section 4.10 pg. 29 - Schedules of Use and Area Regulations.**

ZONING REQUIREMENTS:

Minimum Lot Size:	40,000 sq ft. (0.83 acres - 36,155 sq. ft.)
Front Setback	50' (In compliance)
Shoreline Setback:	50' (52' - In Compliance)
Rear Yard Setback:	50' (50' In Compliance)
*Side Yard Setback:	40' (North 60' - In Compliance - South 16' - Needs relief of 24')
Maximum Lot Coverage:	15% (Not an Issue)
Maximum Bldg. Height:	35' (Not an Issue)

\*Side yard setback of 50' superseded by Shoreline regulations, but in this case, they are different based on frontage. Frontage is 170' which is 40' side yard setback.

**Ruling:**

Motion? **Move to Public Hearing**

FINDINGS OF FACT-REV 1  
Submitted by Carol de Mello

Variance Application 2022-110Z-Moore, Philip & Betsy  
April 19, 2022

Property location: 41 Rowley Way, Willsboro (tax map nos.)  
Zoning District: RL-1

PROJECT DESCRIPTION:

Remove and replace old summer camp with two-bedroom home.-IMPACTS Section 4.10, p. 29, Schedules of Use and Area Regulations, and Section 4.43.2, p. 37, Nonconforming Structures. Specifically, a variance may be needed for the Shoreline setback of 50'; new structure will be at the existing location of 41' from the mean high water mark (99.8'). Also, per Section 4.43.2, a variance is required because new structure is larger and not the same footprint as the original.

ZONING REQUIREMENTS:

Minimum lot size: 40,000 sq. ft. (original lot size 0.85 acres = 37,026 sq. ft.)  
Front/street yard setback: 50' (in compliance)  
Shoreline\* setback: 50' (possible variance of 9' if cottage is located at existing 41')  
Side Yard setback: 40' (185' lake frontage)  
Maximum Lot Coverage: 15% (5,554 sq. ft.-not an issue)  
Maximum bldg. height: 35' (not an issue)

According to the proposed plan, the new home (2,422 sq. ft.) and improvements (garage from property record-420 sq. ft.) total 2,842 sq. ft., which is under the 5,554 sq. ft. allowance.

Proposed changes made at the 4-19-2022 ZBA meeting based on survey map of the septic system:

Minimum lot size: 40,000 sq. ft. (original lot size 0.80 acres = 34,848 sq. ft.)  
Front/street yard setback: 50' (in compliance)  
Shoreline\* setback: 50' (in compliance if existing cottage is at 52')  
Side Yard setback: 40' (170' lake frontage)  
Maximum Lot Coverage: 15% (5,227 sq. ft.-not an issue)  
Maximum bldg. height: 35' (not an issue)

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

Need more measurements-side yards? Asked the homeowner to provide more detailed measurements.

Move to public hearing?-Yes,

FINDINGS OF FACTS - REV 1  
Submitted by: Tony Galioto

Variance Application 2022-110-Z (Philip and Betsy Moore)  
April 19, 2022

Property location: 41 Rowley Way (Tax#: 21.13-1-21.000)  
Zoning District: RL-1 (Residential - Low Density)

PROJECT DESCRIPTION: Demolition of existing camp and rebuild a 2 bedroom 4 season home. New home to be built with 2,431.52 sq ft.

-IMPACTS Section 4.43 -2, pg. 37 -Nonconforming Structures on Existing Lots.

-IMPACTS Section 4.10 pg. 29 - Schedules of Use and Area Regulations.

Additional info: Larger structure being built on existing small lot causing a nonconforming situation requiring a variance, and a side yard setback variance requirement. Require build prints..

ZONING REQUIREMENTS:

Minimum Lot Size:	40,000 sq ft.
Front Setback	50'
Shoreline Setback:	52'
Rear Yard Setback:	52'
*Side Yard Setback:	40'
Maximum Lot Coverage:	15% 5227.2 sq ft (not an issue)
Maximum Bldg. Height: 35'	(not an issue)

According to the property record, the buildings and improvements total 2,795.65 sq ft, under the 5227.2 sq ft. Total new lot coverage 2,431.52 sq ft

Moved to a public hearing on May 17<sup>th</sup>, 2022.