

**TOWN OF WILLSBORO**  
LOCAL GOVERNMENT OFFICES

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**ZONING BOARD OF APPEALS MEETING  
TUESDAY, JANUARY 19, 2016 AT 7:00PM  
WILLSBORO TOWN HALL**

**ATTENDANCE:** DeMello, Sowizdral, Morgan **ABSENT:** Paye, Bruno

**CALL TO ORDER:** Demello 7:07 pm

**MINUTES:**

**Motion: Sowizdral: Accept Minutes as Presented and corrected. Seconded, motion passed unanimously.**

*Corrections:*

- Ms. deMello noted that she had a couple of questions:
  - Page 3 – Point of clarification.
  - Page 4, second sentence – remove incomplete sentence and replace with “if it does not change more than 2’ within the 50 foot setback that it would fall within the APA’s regulations and consider the case.” Mr. Bruno noted that the ZBA needs to make sure that the findings are written down with good explanation.

**PUBLIC HEARING:**

**PUBLIC HEARING OPENED. (DEMELLO) 7:12PM**

*2546 - Chris Chapman - 35 Cove Lane - 20.20-1-17.181 - Variance from Section 3.64 – Shoreline setback requirements*

Two Replies to the public notice were read,  
John Pickett  
Claire Stillwell  
Both have no objections or concerns with the project.

Discussion: Property location of those who replied, nearby, on Cove Lane.

No public present. No comment was made.

**Public hearing closed.**

**FINDINGS OF FACT: (Demello)**

- Remove Deteriorating 5'X6' deck
- Relief From Shoreline setback, 50' is required, Existing structure is 42'
- Lot size .80 acres
- Lot coverage is not an issue.
- High water mark is assumed to be along the existing retaining wall, s
- The elevation of the mean high water line is clearly along the wall
- Original deck: 5'X6', the proposed larger deck: 6'X29', 1' extended toward the lake
- 23' extended parallel to the lake.

**AREA VARIANCE CRITERIA**

**1. HOW COULD THE BENEFIT NOT BE ACHIEVED BY ANY OTHER FEASIBLE MEANS?**

The board agreed that the request is minimal. Demello read the applicant's answer. All contributed answers on each members finding sheet. Sowizdral: He is requesting the minimum required to get desired effect. Demello: The deck is the most feasible option. Morgan: He is being mindful by only requesting one additional foot.

**2. HOW WILL IT NOT PRODUCE AN UNDESIRABLE CHANGE IN THE NEIGHBORHOOD?**

The board agreed that new construction will actually improve the aesthetics of the neighborhood. They also noted that a difference of 1 foot is a negligible difference. Demello: In keeping with the structure character and the neighborhood- Neighboring structures are even closer. Noted that deck will be 41' at one end and 46' at the other end to the wall, where the Mean High Water Elevation.

**3. IS THE REQUEST SUBSTANTIAL?**

The board noted that the requested addition is not substantial as it is a negligible request. Demello, It is substantial request with respect to the difference in square feet, but has a minimal impact on the lot itself and the existing structure. Not such a big enough impact to not grant the variance. Board agrees.

**4. ADVERSE PHYSICAL OR ENVIRONMENTAL EFFECTS?**

Demello: no impact provided proper drainage provisions are followed.- all contributed on Findings sheets.

**5. HOW IS THIS HARDSHIP NOT SELF-CREATED?**

The board agreed that the original structure setbacks did not apply when it was built. Discussion about the dates of various buildings and additions, determined not to be self-created. Property card discussed.

**DISCUSSION: PLACEMENT OF STAIRS.**

Conditions to be added that if stairs are needed for egress, the location will be on the west side, such that they do not encroach on the required 50' shoreline setback.

Motion: (Sowizdrzal) Motion made to approve variance as requested for the 1 to 2 feet incurrence on the existing side yard setback.

Motion: (Demello): To grant relief from section 6.12, Setback from Shoreline, for a new deck as proposed to extend into the shoreline setback an additional one foot. Conditions: If stairs are needed for egress the location shall be on the west side of the deck, and not encroach into the

shoreline setback. A second condition is that shrubs and plants be planted in front of the deck as the applicant planned, to create a buffer.

Seconded and Motion unanimously passed. Variance granted to the Chapmans.

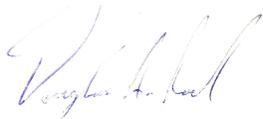
**NEW BUSINESS**

Administrative Business discussed:  
Zoning and planning board Secretary,  
Agenda Format  
New Zoning law, site plan review

**CONCERNS/INFORMATION:**

**ADJOURNMENT:**

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Douglas A. Rock".

Doug Rock, Zoning Board of Appeals Secretary