TOWN OF WILLSBORO

ZONING BOARD OF APPEALS

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APRIL 21ST, 2015 AT 7:00PM AT THE TOWN HALL

In Attendance: Chairman: Robert Bruno-Absent, Carol deMello, Peter Sowizdrzal, Jason Morgan, Barbara Paye - Absent

Public in Attendance: Doug Rock – CEO, Jeremy Fowler – Branon Construction Rep. (Dalton/Hobelsberger)

Vice Chairman deMello called the meeting to order at 7:03pm.

MINUTES

Vice Chairman deMello called for a motion to approve the minutes of the March 2015 board meeting.

Discussion:

Ms. deMello noted that on page 3, paragraph 3 – should state that "Mr. Kinley noted that a building site is required for any subdivisions." She noted that the next sentence should state that the "assessed value was increased" versus it.

Mr. Morgan motioned to approve the minutes. Mr. Sowizdrzal seconded. All voted in favor and the motion carried.

PUBLIC HEARING

2479 - Max Hobelsberger/Melanie Dalton - 166 Lakeshore Drive - 21.10-1-15.000 - RL-1 - Retaining Wall / Shoreline Stabilization – Variance from shoreline setback requirements (Section 3.62)

Ms. deMello explained the process of the public hearing.

Public hearing opened.

Mr. Fowler, Representative of the Hobelsberger/Dalton case discussed the proposal. He noted that the applicants are proposing re-stabilization of the slope where significant erosion has taken place. Mr. Fowler noted that the applicants prefer to keep disturbance at a minimum and will not be removing any trees during the project. He noted that they will be staying above the mean high water mark. Ms. deMello referred to the map and the existing grade and washouts. Mr. Fowler noted that rip-rap will be placed from the 100 foot mark up. Mr. Morgan commented that he feels that the stabilization is necessary. Ms. deMello asked if fabric would be utilized. Mr. Fowler noted that it will be used if possible, but it will depend upon the conditions – how many trees are left. He noted that if the trees were removed that fabric would be used, but that it would not work well if placed. Mr. Sowizdrzal asked about soil usage between the rocks. Mr. Fowler stated that it will not be used. Mr. Sowizdrzal asked about the asphalt roof shingles. Mr. Fowler noted that he was not aware of that, but that he does not mind removing it if it is within the project site.

Mr. Rock noted that he would like to just emphasize the importance of a silt fence to contain storm water runoff. Mr. Fowler asked if the silt fence should be placed at the toe of the slope or at the top. Mr. Rock suggested that the fence be placed on the toe of the slope. He noted that working on the shoreline it is pretty standard.

Public hearing closed.

OLD BUSINESS

2479 - Max Hobelsberger/Melanie Dalton - 166 Lakeshore Drive - 21.10-1-15.000 - RL-1 - Retaining Wall / Shoreline Stabilization – Variance from shoreline setback requirements (Section 3.62)

Deliberation – Review of Area Variance Criteria

1. *Benefit cannot be achieved by other feasible means* – Ms. deMello referred to the applicant's answer. The board concurred with the applicant's statement, and noted that continued erosion will take place if not remedied.
2. *Will an undesirable change in the neighborhood take place* – Ms. deMello referred to the applicant's answer. The board concurred with the applicant's answer. It was noted that the proposed remedy is more conducive with the shoreline's nature and well within the scope of the APA's standards. The board also noted that it will retain the prior character of the property's shoreline.
3. *Is the variance substantial* - Ms. deMello referred to the applicant's answer. She referred to the dimensions of each section being stabilized (See map submitted with the application). The board agreed that the request is substantial due to the amount of shoreline being stabilized, but that it needs to be done regardless. It was noted that the request is not substantial because the applicants are repairing the shoreline to what it one was prior to the significant erosion.
4. *Adverse physical or environmental effects* – The board agreed that stabilizing the shoreline is an improvement and will prevent further erosion (adverse effects) from taking place.
5. *How is the hardship not self-created* – The board agreed that the eroded areas were caused by the extremely high and record breaking weather that took place in 2011.

Ms. deMello referred to the APA's requirements regarding shoreline stabilization.

Mr. Sowizdrzal motioned to approve the project with the requirements of adding the silt fence if feasible, and removing the asphalt shingles in Area 3. Mr. Morgan seconded. All voted in favor and the motion carried.

NEW BUSINESS

CONCERNS/INFORMATION

Patrick Leary Case – Stop Work Order – Mr. Rock explained that the entire structure of the original camp was removed. He noted that the Stop Work Order was issued to get back on track with the original process, which he feels would require review by the ZBA. Ms. deMello noted that hypothetically if the applicant built the exact same structure on the exact same foundation if that would require a variance. Mr. Sowizdrzal discussed the restoration clause noting that he may not need a variance, but that he would definitely need a permit. Further discussion ensued regarding demolition and reuse of the existing foundation. Mr. Rock noted that the applicant will need a variance because it does not fit the foot print.

Retaining Wall (115 Corlear Drive) – Stop Work Order – Mr. Rock noted that no permit or variance was issued. He noted that the applicant established a storm water trench which leads into the lake. Mr. Rock noted that he feels that the individual should be required to go through the process regardless as that is standard and required by not only the Town, but the APA. Mr. Rock noted that he has received complaints. He noted that he is not sure if it will get to the ZBA, but that he wanted to give a heads up.

APA JIF Determinations – Mr. Rock noted that he thought that by having the agency review the case before hand he thought that it would help the applicant. He noted that he never thought that the JIF determinations would contradict their determinations after the ZBA variance is approved. Mr. Rock stated that he feels that it is still good practice, but that clarity and due diligence needs to take place on the part of the agency. Further discussion ensued regarding previous cases that were over-turned by the APA after having received a positive JIF determination.

ADJOURNMENT

The meeting adjourned at 7:52 PM.

Respectfully Submitted,

Ashley Ryan Blanchard, Secretary - Zoning Board of Appeals