



## TOWN OF WILLSBORO

OFFICE OF THE SECRETARY FOR PLANNING AND ZONING BOARD

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### MINUTES PLANNING BOARD MEETING DATE: February 28<sup>th</sup>, 2017 at 7:00 PM LOCATION: Willsboro Town Hall

**Present:** Chairman, Robert DeMello, Board Members: Wayne Feeley, James Leibeck, William Bardeen, Robert Powell

**Absent:** Tess Grub

**Member of the Public:** Lorilee Sheehan, Gregg Gordon, James Morse, Kevin Hall, John & Allison Sucharzewski, Douglas Rock(Codes Enforcement Officer)

Chairman DeMello called the meeting to order at 7:00 pm

#### MINUTES:

DeMello called for a motion to approve the December 2016 Planning Board Meeting Minutes. Bardeen moved. Feeley seconded. All in favor and the motion carried.

**PUBLIC HEARING:** No Public Hearing

#### NEW BUSINESS:

**Application No. 2688:** John & Allison Sucharzewski, 286 Corlear Drive, Zoning District: RL-1, garage with additional living space on second floor.\*

Applicants seek to build a detached, 2-car garage with living space above. Living space would include bedroom, great room, kitchen and bathroom. The application submitted stated that plans were preliminary. A site plan was provided but elevation drawings of the proposed structure were not provided ahead of time. The Planning Board took that to mean that the applicant sought a pre-submission conference only. At the meeting the applicants stated that they sought approval for their plans, not a pre-submission conference. Applicant then provided the Planning Board with elevation drawings of the proposed structure and the Planning Board agreed to conduct a site plan review. Lot size is 0.78 acres. Lot currently has a single family residence and a shed. The proposed garage is 27' x 31'; would be 2 stories tall; and, in addition, would have a covered external stairway. The second story is to be used as living space. The garage is to be placed in the back yard. The garage would be 10' from the southern side yard property line.

The lot currently contains:

- House                      foot print: 832 Sq ft, living area: 1300 Sq ft
- Deck                         312 Sq ft

- Shed 100 Sq ft

Proposed new structure: 873 Sq ft, plus covered external stairway.

There was discussion whether the proposed project was a single-family dwelling or a garage with guest cottage above. Another single-family dwelling on the lot would not be allowed (Zoning law, 4.22). A guest cottage is a valid accessory structure and would be allowed.

The Planning Board asked the applicants if they had considered an addition to their house instead of a detached building since this would avoid the possibility of two single-family dwellings on one lot. Applicants stated that an addition to their house was not feasible. The board members have some concerns on to what may happen in the future. Some suggestions were made as to some changes that could be made to make this build comply with the definition of guest cottage and to avoid the possibility of the two-single family dwellings on one lot.

The Zoning Law recognizes guest cottage as a valid accessory structure, but places limits on its size and use (see definition of Guest Cottage in the Zoning Law). Specifically a guest cottage:

1. Is for occasional use only, that is, not more than 150 days per year
2. Is to be used only by guests of the residents of the single-family dwelling
3. May not be rented out separately from the single-family dwelling
4. Contains one-half or less of the enclosed floor space of the associated Single Family Dwelling.

That is at most 578 sq ft since the living area of the single-family dwelling is 1156 sq ft.

Applicants stated that they intended to comply with these limitations except for number 4 above. Their plans call for a guest cottage of 837 sq ft. They also noted that a similar structure was recently built at 51 Corlear Drive. The board clarified that the structure at 51 Corlear (a) was smaller, only 24' by 24'; (b) was only 1½ stories tall; (c) had office space on the second floor; (d) had a half-bath, not a full bath, (e) had no bedroom; and (f) had no kitchen. The structure at 51 Corlear is therefore different because it cannot be used as a separate single-family dwelling. The Planning Board also noted that a Public Hearing was held before the project at 51 Corlear Drive was approved and that those who attended the Public Hearing largely approved of the project.

Board members have some concerns on to what may happen in the future. Some suggestions were made as to some changes that could be made to make this build comply with the definition of guest cottage.

**Bardeen called for a motion to approve the application for a 2 story accessory building (garage and guest quarters above) as modified to make the proposed guest quarters no larger than one-half of the living space of the main living structure. If the applicant desires to build out the guest quarters larger than the ½ test they will be required to obtain a variance. Powell seconded. All in favor. Motion carried.**

***Application No. 2692:*** Lorilee Sheehan, 127 Corlear Drive, Zoning District: RL-1, In-ground swimming pool in place of a portion of an existing basketball court.\*

Applicant seeks to install a 36'x16' in-ground swimming pool in the front yard (between the house and the road) on a water-front lot. A pool deck of impervious material would surround the pool. The location of the proposed swimming pool is currently a basketball court. A portion of the basketball court would be removed for the swimming pool and deck. Setback from road and side property lines appears to be conforming; however, lot area coverage appears non-conforming. Lot is nominally 100' x 200' (20,000 sq ft, 0.40 acres). According to tax records, the lot contains:

- House 1456 sq ft
- Uncovered porch 569 sqft

- Shed 192 sqft
- Garage 768 sqft
- Asphalt basketball court 1500 sqft

It is unclear in the new Zoning Law whether the basketball court should be counted toward lot area coverage. On 2/21/2017 the Zoning Board of Appeals determined that a basketball court is not considered part of the "lot coverage" that is subject to a 15% limit.

**Bardeen called for a motion to approve the site plan for a 36'x16' pool surrounded by an impervious deck. The approval is subject to the following conditions:**

**Conditions:**

1. The project must conform to provisions of the Town of Willsboro Zoning Law, except for any variances granted by the Zoning Board of Appeals.
2. The project must adhere to all safety and health provisions of applicable laws regarding swimming pools.

**Because:**

1. This approval does not grant the applicant the right to violate provisions of the Willsboro Zoning Law unless authorized by the Zoning Board of Appeals.
2. This approval does not grant the applicant the right to violate provisions of laws governing the safety and health of people.
3. The change has minimum impact on the amount of the lot that is covered by impervious surfaces.
4. The change has no impact on automobile or pedestrian traffic.
5. Despite the high portion of the lot covered with impervious surfaces, there is no evidence that stormwater runoff has ever caused problems with erosion.
6. Other evaluation criteria are either not applicable or acceptable.

**Seconded by Feeley. All in Favor. Motion Carried.**

**Application No. 2691:** Margaret A. Hauser, 251-253 Corlear Drive, Zoning District: RL-1, Minor Divison.\*

Applicant seeks to adjust the boundary between two lots that are owned by her. The adjustment would add 10' of shoreline to one lot and reduce the shoreline of the other lot by 10'. Applicant also seeks to merge two lots. More specifically, the lots involved are:

- Lot 1: Hauser, 21.5-1-23.000, 251 Corlear Drive, 87' of shoreline, 0.3 acres
- Lot 2: Hauser, 21.5-1-22.000, 253 Corlear Drive, 121' of shoreline, 0.34 acres
- Lot 3: Hauser, 21.5-1-71.122, Lot3 is unnumbered but lies between Corlear Drive and the lots at 241, 243, 245, 247 249 251 253 255 and 257 Corlear Drive, effectively making those lots landlocked, 1.6 acres. Representative for applicant stated that landlocked lots have deeded easements for driveways.

Applicant proposes to transfer approximately 0.02 acres from lot 2 to lot 1. Lot 1 and lot 2 are next to each other and share a common boundary. Both lots are undersized for the RL-1 district but the transfer is small and will slightly increase the size of the smaller lot while slightly decreasing the size of the larger lot.

Applicant also proposes to merge lot 1 and lot 3. Planning Board approval is not needed for the merging of lots.

**DeMello called for a motion to approve the Minor Division which will transfer approximately 0.02 acres of lot 2, currently owned by Hauser (21.5-1-22.000) to lot 1, also currently owned by Hauser (21.5-1-23.000)**

**Because:**

1. The proposed adjustment makes no nonconforming buildings any worse.
2. The transfer is small.
3. The larger lot will become more non-conforming. The smaller lot will become less non-conforming. The slight negative impact on lot 2 is balance by a positive impact on lot1.
4. The proposed adjustments create no new building lots.
5. The proposed adjustments have no negative impact on the area.

**Seconded by Bardeen. All in Favor. Motion Carried.**

**Application No. 2684:** Mr. Kermit Lavigne (owner: HUI LLC), 3922 NYS Rte 22, Suite 2A, Zoning District: H-C-1, Change of Use; from restaurant to Healing Waters Church of God (place of worship).

Applicant has applied for a special use permit. A special use permit requires a public hearing.

**Bardeen made a motion to move this application to a public hearing. Seconded by Powell. All in Favor. Motion Carried.**

**Application No. 2687:** Lisa Imobersteg, 111 Corlear Drive, Zoning District: R1-1, Garage & Storage plus 2 parking spaces.\*

Applicant proposes to build a 2-car garage on a lakeside lot. Lot size is 100 (waterfront) x 185 feet. The existing house has a footprint of 1213 sq ft. The proposed garage is 980 sq ft. Total coverage would be 2193 sq ft. Maximum allowed lot coverage (15%) is 2775 sq ft. Front, rear and side setbacks appear adequate.

**Powell called for a motion to move the site plan for a 980 sq ft, single-story garage be accepted as presented, or substantially similar to the plans presented, subject to the following conditions:**

**Conditions:**

3. The project must conform to provisions of the Town of Willsboro Zoning Law, except for any variances granted by the Zoning Board of Appeals.
4. Gutters and/or drains and/or gravel under eaves or equivalent are required to prevent soil erosion from rainwater running off the roof of the new structure.
5. Approval of the Willsboro Highway Department is required.

**Because:**

1. This approval does not grant the applicant the right to violate provisions of the Willsboro Zoning Law unless authorized by the Zoning Board of Appeals.
2. The proposed garage is consistent with other garages in the area.
3. Lot coverage with the new garage will not exceed the allowed maximum.
4. The Planning Board wishes to prevent erosion and the runoff of soil into Lake Champlain.
5. The proposed garage will create a new driveway on a Town road.
6. Other evaluation criteria are either not applicable or are acceptable.

**Seconded by Feeley. All in favor. Motion carried.**

\*Attached are the site plan review criteria for the applicants above

**OLD BUSINESS: No Old Business**

**ADJOURNMENT:**

**Chairman DeMello called for a motion to adjourn the meeting at 8:34 pm. Bardeen moved to adjourn. Feeley seconded. All in favor, motion carried.**

Respectfully Submitted

Codia Crandall  
Secretary for Planning and Zoning Board

