



TOWN OF WILLSBORO
OFFICE OF THE SECRETARY FOR PLANNING AND ZONING BOARD

MINUTES
ZONING BOARD OF APPEALS
DATE: February 21st, 2017 at 7:00 PM
LOCATION: Willsboro Town Hall

Present: Chairman Carol DeMello, Board Members, Peter Sowizdrzal, Robert Bruno, Brian DeGroat

Absent: Jason Morgan

Member of the Public: Lorilee Sheehan & Travis Sheehan

Meeting called to order at 7:00 pm

MINUTES:

The January and November minutes were approved.

(Bruno/Sowizdrzal) A motion was made, and seconded, to approve the January 17th, 2017 minutes. All in favor and the motion carried.

(Sowizdrzal/DeMello) A motion was made, and seconded, to approve the November 15th 2016 minutes provided Carol's addendum was attached. All in favor and the motion carried.

DISCUSSION:

Prior to the public hearing there was a discussion on the definition of lot coverage.* The board discussed their interpretation of the definition of lot coverage and how impervious surfaces effect the percentage of lot coverage. DeMello purposed a clarification for future references for the calculation of lot coverage the following named items are excluded, driveways(whether impervious or not), boat ramps into water, tennis/basketball courts(whether impervious or not), patio/terraces, and pool decks/surround at ground level. Bruno brought up the point of "not permanently attached" is pretty vague. Is there any way to have a permanently attached structure?

For the purposed of clarification for the calculation of Lot coverage, the ZBA Board agrees the following named items are excluded: driveways (whether impervious or not), boat ramps into water, tennis/basketball courts (whether impervious or not), patio/terraces, and pool decks/surround at ground level, along with putting this clarification into the master binder.

(DeMello/DeGroat) A motion was made, and seconded, to approve the clarification for the calculation of Lot coverage. All in favor and the motion carried.

Brian proposed to have a master copy of the zoning law kept with the binder.

(Degroat/DeMello) A motion was made, and seconded, keep a master copy of the zoning law present at every meeting. All in favor and the motion carried.

PUBLIC HEARING:

– John & Lorilee Sheehan- 127 Corlear Drive –21.5-1-52.000 – RL-1 – Installation of an in ground pool in place of a portion of an existing basketball court

DeMello stated that the possible action she came up with if the lot coverage is based on the interpretation that was just approved and with these calculations a permit for a swimming pool can be issued and no variance is required because they had 17.7% lot coverage and they had a variance based on these structure.

(Bruno/DeGroat) A motion was made, and seconded, to officially dismiss the variance on the grounds that through our interpretation we have determined that lot coverage is not an issue for the addition of the pool and patio area which there is no change in lot overage. All in favor and the motion carried.**

OLD BUSINESS: No old business

NEW BUSINESS: No old business

***See attachment provide by Carol DeMello on Interpretation of Definition of Lot Coverage along with definitions also pertaining to lot coverage.**

**** See attached the decision form.**

ADJOURNMENT: Meeting was adjourned at 8:15 pm

(DeGroat/Sowizdrzal) A motion was made, and seconded, close the meeting. All in favor and the motion carried.

Respectfully Submitted

Codia Crandall
Secretary for Planning and Zoning Board

INTERPRETATION OF DEFINITION OF LOT COVERAGE
02-21-2017

In Article 2—Definitions,* Lot Coverage is defined in our current Zoning Law as:

“that portion of a parcel or lot which is covered by buildings, covered porches, attached or detached garages, barns, sheds, decks (whether the deck is covered by a roof or not), tarp structures, and gazebos. Sidewalks, lawns, vegetation, landscaping, swimming pools, and any portable structures not listed above and not permanently attached to the ground shall not be considered a part of Lot Coverage.”

For purposes of clarification for the calculation of Lot Coverage, the ZBA Board agrees the following named items are excluded:

Driveways, whether impervious or not
Boat ramps into water
Tennis/basketball courts, whether impervious or not
Patio/terrace
Pool deck/surround at ground level

Landscaping generally refers to the arrangement of natural elements of the land such as vegetation, contours, etc. and does not include driveways.

Along waterfront lots, docks (permanent or not) shall not be considered a part of lot coverage. Docks are well defined in the Definitions sections of the Zoning Law.

This interpretation was made based on a case presented to the ZBA Board for denial of building permit because driveways and parking areas, etc. were included in the calculation for lot coverage resulting in a figure of 49%. According to the definition above, the lot coverage was only 17.7% and they had a variance for such. Following our interpretation of the definition, the request for area variance was dismissed and the ZBA further directed the CEO to issue a building permit.

Background: the ZAAC committee did consider adding “impervious surfaces” to the definition of Lot Coverage, but reached a consensus that it should be removed rather than have to increase the Lot Coverage allowances to reflect adequate and average usage. The excluded items above were not considered part of the Lot Coverage calculation in the previous zoning ordinance.

*From Town of Willsboro Zoning Law, Issue date 11/13/2015

Notes from Carol de Mello, ZBA Chair, on 02-21-2017 ZBA Meeting

While the Board has attempted to name as many items as possible to interpret the definition of Lot Coverage, it is likely that items may be added as they are brought to our attention.

The ZBA Board will also further review the status of uncovered decks and tarp structures and make a recommendation to the Town Board as to whether or not they should be included in Lot Coverage. This change would require an amendment to the Zoning Law.

The ZBA Board will also further review how to prevent the possibility of paving an "entire yard." A restriction in the definition of Yard or Open Space is probably an easier way to control such a concept.

DECISION FORM:

BOARD:	Zoning Board of Appeals
DATE OF APPEAL:	02-21-2017
APPLICATION NUMBER:	2680
NAME:	Lorilee Sheehan
PROJECT ADDRESS:	127 Corlear Drive
TAX MAP NUMBER:	21.5-1-52.000
REQUEST FOR VARIANCE FROM:	Section 4.10—Schedule of Use & Area Regulations, p. 29, Maximum Lot Coverage of 15%

After an Interpretation of the Definition of Lot Coverage, the ZBA Board determined that the lot coverage was only 17.7% (not the 49.9% which included driveways and basketball court). A motion was made to dismiss the case and have the CEO issue a building permit.

REVIEW OF AREA VARIANCE CRITERIA:

Area Variance Criteria:

1. *How could the benefit not be achieved by any other feasible means?*
2. *How will it not produce an undesirable change in the neighborhood?*
3. *Is the request substantial?*
Substantial
Not substantial
4. *Adverse physical or environmental effects?*
5. *How is this hardship not self-created?*

PROPOSED MOTION:	(Bruno/DeGroat) A motion was made, and seconded, to officially dismiss the variance on the grounds that through our interpretation we have determined that lot coverage is not an issue for the addition of the pool and patio area which there is no change in lot overage. All in favor and the motion carried.		
MOTION MADE BY:	Robert Bruno		
MOTION SECONDED BY:	Brian DeGroat		
MEMBER VOTE:	MEMBER NAME:	YES	NO
	Chairman, Carol de Mello	X	
	Vice Chair, Peter Sowizdrzal	X	
	Jason Morgan-Absent	--	
	Brian DeGroat	X	
	Rob Bruno	X	
	Barbara Paye--Absent	--	
SIGNATURE OF ZBA CHAIRMAN:	<i>Carol de Mello</i>		