



TOWN OF WILLSBORO
LOCAL GOVERNMENT OFFICES

**ZONING BOARD OF APPEALS MEETING
TUESDAY, NOVEMBER 17, 2015 AT 7:00PM
WILLSBORO TOWN HALL**

ATTENDANCE: Bruno, deMello, Morgan, Sowizdrzal

ABSENT: Paye

Public: Shea Flanagan & Connie Pickett – The Adirondack Chapter of the Nature Conservancy,
Phillip Valachovic – Representative of the Chapmans

Doug Rock – Town Code Enforcement Officer

CALL TO ORDER: Bruno

MINUTES:

Motion: (Bruno/deMello) All voted in favor to approve the minutes as corrected. Abstain - Sowizdrzal

Corrections:

Ms. deMello noted that there were a couple of typos:

- Third sentence under Shannon case should state “Ms. deMello noted that it was an” instead of “and”.
- Fifth paragraph, second sentence should state “Mr. Jaquish noted that it is proposed to be”.
- New Business – second line down should state side yard setbacks versus rear yard setbacks.

NEW BUSINESS:

PUBLIC HEARING:

2338 - Richard Antrim 379 Bay Lane 20.20-1-58.000 RL-1 Variance from side yard setback requirements

Ms. deMello gave her findings of fact to the board members. She asked what the applicant had chosen as his front lot. Mr. Rock noted that the front yard indicated on the map was what the applicant had placed as being the front yard. The board agreed that the curved side, in front of the camp, is the front yard, noting further that his street address is Bay Lane. Ms. deMello noted that the side, rear, and front yard setbacks are 50 feet. The board confirmed that the side yard setback is the issue at present. The board discussed the case further as it pertains to the location of the side and rear yard areas. Mr. Rock discussed the building envelope for the property in relation to the existing residence. He noted that a portion of the existing structure is actually outside of the building envelope already. Mr. Rock noted that the applicant does need a variance, although minimal. He noted further that the proposed project will enhance the character of the neighborhood.

Ms. deMello noted that she would like to see site plan dimensions, but noted that because of the small size of the dimension asked the board if it was really necessary. She noted that approximately two truck lengths are between Mr. Antrim's house and the neighboring property. Mr. Bruno noted that because this is such a minimal change (1.5 feet), that he does not feel that a site plan is needed. Ms. deMello asked Mr. Rock if the lot was designed to be a 50 foot lot. He noted that it was made of whatever was left over, that it is not quite 50 feet wide.

Public hearing opened.

No comment was made. No public in attendance. No letters were received.

Public hearing closed.

TNC Bigwoods Nature Preserve 31.9-1-59.000 LC-R Variance from Sign Requirements

Ms. Blanchard presented the dimensions that were requested for the two kiosks and the interpretive sign. She noted that the two kiosks will be placed on the boundary of the Nature Conservancy preserve and the town property/road. Ms. Blanchard noted that TNC marked two proposed locations (options) for the interpretive signs as well which were measured.

Mr. Rock briefed the board on the case discussing the debate as to whether the case is for signs or for accessory structures both of which would need a variance. He noted that the Planning Board decided to move it to the Zoning Board to make it all permitted. Mr. Sowizdrzal asked if the kiosks are considered structures. Mr. Rock noted that in some jurisdictions they are considered structures, but that they meet the definition of a sign. He noted that it is a combination of the two – that if it were considered a structure it wouldn't be allowed to have signs on it.

The board agreed that kiosks are signs. Ms. deMello asked if TNC had done this in other communities and if they were considered signs. Ms. Pickett noted that this is a pilot project. Mr. Rock noted that it is private property. He noted that if the property is sold the kiosk could be used for alternative purposes. Mr. Rock indicated that if this were a State project it would not be jurisdictional.

The board reviewed the pertinent sections of the ordinance. Mr. Rock reviewed section 6.77 (3) regarding distance from a public road or right of way. Mr. Bruno referenced 6.71 (5) regarding the number of signs in a particular area. Mr. Rock stated that the ordinance discuss premises which means an area of a given activity, which could be on one property. The board decided that there is the potential to have multiple premises within one property – defining premises as being any geographic area of activity. Mr. Bruno asked about the distance between the interpretive sign and the kiosk. The applicant estimated approximately one quarter mile. It was decided that the board would keep section 6.71 under the request for variance. Further discussion ensued.

The board noted that the signs are less than 100 square feet; therefore they are acceptable with regard to the distance from the mean high water mark. The board noted that if considered a structure it is permitted accessory use.

Public hearing opened.

Ms. Blanchard noted that phone calls were received from a few neighboring property owners, but no official records were received and no objections were made. Ms. Pickett noted that on behalf of the Nature Conservancy they appreciate the Town's consideration and look forward to being able to enhance the property.

Public hearing closed.

OLD BUSINESS:

2338 - Richard Antrim 379 Bay Lane 20.20-1-58.000 RL-1 Variance from side yard setback requirements

Ms. deMello noted that only 16 square feet was being requested, lot coverage is not an issue.

Area Variance Criteria

1. *How could the benefit not be achieved by any other feasible means?*
The board agreed that the request is minimal. They agreed with the applicant's answer.
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.
3. *Is the request substantial?*
The board noted that the requested addition is not substantial as it is a negligible request.
4. *Adverse physical or environmental effects?*
The board agreed that there would be no impact provided proper drainage provisions are followed.
5. *How is this hardship not self-created?*
The board agreed that the structure setbacks did not comply when purchased.

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

Point of Clarification: Mr. Rock noted that the existing variance would be removed and replaced by the proposed.

TNC Bigwoods Nature Preserve 31.9-1-59.000 LC-R Variance from Sign Requirements

Area Variance Criteria

1. *How could the benefit not be achieved by any other feasible means?*
The board agreed with the applicant's answer and noted that they could not think of another method whereby the information could be provided.
2. *How will it not produce an undesirable change in the neighborhood?*

The board agreed with the applicant's answers and noted that because of the isolated placement of the signs should be of no detriment to the neighboring properties.

3. *Is the request substantial?*

The board agreed with the applicant's answers and noted that dimensionally the signs do not exceed 100 square feet in side, and the size of the property (110 acres) makes the size of the signs not substantial.

Mr. Sowizdrzal noted that with regard to the sign size requirements it is substantial as it does not comply, but regarding the property overall it is not substantial.

Mr. Rock noted that this project has been approved already by the Adirondack Park Agency.

4. *Adverse physical or environmental effects?*

The board agreed with the applicant's answer and noted that the minimal size of the signs should have no effect.

5. *How is this hardship not self-created?*

The board noted that the Nature Conservancy is trying "to match in look and feel other interpretative signs the Town will be developing for its local parks." It was also noted that because the Ordinance was adopted before the creation of these recreational areas, the alleged difficulty is not self-created. It was also noted that the signs need to be large enough to capture and relay information on that site.

Ms. Prickett noted that the Nature Conservancy modeled the project after the DEC trailhead kiosks. She noted that there were some that were much larger, but not many (if any) that were smaller. Ms. Prickett continued that that is why they went with this model.

Mr. Rock added that these are non-advertising signs which are permitted in this district.

(deMello/Sowizdrzal) Motion was made to approve the kiosk variances for relief from sections 6.71 (2 & 9), 6.77(3), and based upon the maps provided, the board grants permission to place the kiosks at each trailhead. In addition, the Zoning Board grants a variance for an interpretive sign located more than 200 feet from principal access point of the highway (Section 6.71 (9)). The board noted that they interpreted premises as being a "geographic area of activity" and noted that it did not apply to the case.

NEW BUSINESS

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

Mr. Bruno noted that the applicant is looking for a porch. He explained that he spoke with Robyn Burgess ahead of time who indicated that there is a 2 foot rule. Mr. Bruno noted that if the change doesn't increase more than 2 feet within the 50 foot setback. Mr. Valachovic noted that it is approximately 42 feet from the wall at the closest point. Mr. Bruno asked how the APA measured

the Mean High Water Mark. Mr. Rock noted that it is at the elevation of 99.98, that they utilize the elevation lines. Mr. Bruno suggested that the applicant document how they achieved the measurement for the mean high water mark. Ms. Burgess noted that the board members should each write down their answers.

The board asked that the applicant submit lot and project dimensions, as well as a plot plan. Mr. Rock noted that the lake frontage is 111 feet according to the tax map. Ms. deMello asked what is being considered as the front yard. Mr. Valachovic noted that he is considering the lakefront the front yard. Further discussion ensued on the mean high water mark. The board also requested that the existing septic and water be indicated on the plot plan as well. The board noted that this proposal sits back further than most of the neighboring properties.

(Sowizdrzal/Morgan) Motion made to move the case to public hearing on December 15th, 2015. All voted in favor and the motion carried.

CONCERNS/INFORMATION:

Variance Questions Form – The Board reviewed the format of the document.

ADJOURNMENT:

(deMello/Paye) A motion was made to adjourn the meeting at 9:45p.m. All voted in favor and the motion carried.

Respectfully Submitted,

Ashley R. Blanchard, Zoning Board of Appeals

DECISION FORM:

BOARD:	Zoning Board of Appeals
DATE OF APPEAL:	November 17, 2015
APPLICATION NUMBER:	2338
NAME:	Richard Antrim
PROJECT ADDRESS:	379 Bay Lane
TAX MAP NUMBER:	20.20-1-58.000
REQUEST FOR VARIANCE FROM:	Variance from side yard setback requirements

REVIEW OF AREA VARIANCE CRITERIA:

Area Variance Criteria:

1. *How could the benefit not be achieved by any other feasible means?*
The board agreed that the request is minimal. They agreed with the applicant's answer.
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.
3. *Is the request substantial?*
The board noted that the requested addition is not substantial as it is a negligible request.
4. *Adverse physical or environmental effects?*
The board agreed that there would be no impact provided proper drainage provisions are followed.
5. *How is this hardship not self-created?*
The board agreed that the structure setbacks did not comply when purchased.

PROPOSED MOTION:	Motion made to approve variance as requested for the 1 to 2 feet incurrence on the existing side yard setback.
MOTION MADE BY:	Sowizdrzal

MOTION SECONDED BY:	Bruno		
MEMBER VOTE:	MEMBER NAME:	YES	NO
	Chairman Rob Bruno	X	
	Vice Chair, Carol deMello	X	
	Peter Sowizdrzal	X	
	Barbara Paye	Absent	
	Jason Morgan-Absent	X	

DECISION FORM:

BOARD:	Zoning Board of Appeals
DATE OF APPEAL:	November 17, 2015
APPLICATION NUMBER:	TOWN
NAME:	The Adirondack Chapter of the Nature Conservancy
PROJECT ADDRESS:	Bigwoods Nature Preserve
TAX MAP NUMBER:	31.9-1-59.000
REQUEST FOR VARIANCE FROM:	Variance from Sign Requirements

REVIEW OF AREA VARIANCE CRITERIA:

Area Variance Criteria

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The board agreed with the applicant's answers and noted that because of the isolated placement of the signs should be of no detriment to the neighboring properties.

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MOTION MADE BY:	deMello		
MOTION SECONDED BY:	Sowizdrzal		
MEMBER VOTE:	MEMBER NAME:	YES	NO
	Chairman Rob Bruno	X	
	Vice Chair, Carol deMello	X	
	Peter Sowizdrzal	X	
	Barbara Paye	Absent	
Jason Morgan-Absent	X		