

TOWN OF WILLSBORO

5 FARRELL ROAD WILLSBORO, NY 12996

518-963-8668

Minutes
Planning Board
Date: November 22, 2022
Location: Willsboro Town Hall

Present: Chairman- Gregory Gordon **Board Members:** Tom Dwyer, Andre Klein, John Sucharzewski, Gina Minessale, Chauntel Gilliland

Members of the Public: Bruce Pellerin, Kevin Hall

November 22, 2022 meeting at the Town Hall for the Town of Willsboro Planning board to order at 6:00pm.

-Emergency exits are to the public left and the boards right, restrooms are in the corner, please silence your cell phones, if you are speaking please mention your name and for what project.

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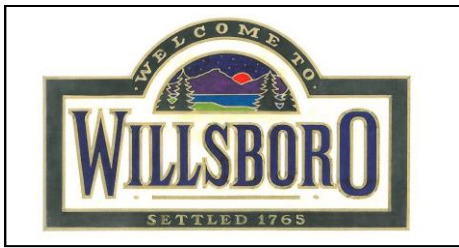
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-The October 25, 2022 Meeting minutes were approved as presented. Minessale made the motion to approve October 25, 2022 meeting minutes. Klein second. All in favor. Roll call- Dwyer, Klein, Sucharzewski, Minessale, Gilliland, Gordon.

-The November 7, 2022 Public Hearing Meeting minutes were approved as presented. Klein made the motion to approve November 7, 2022 Public Hearing meeting minutes. Sucharzewski second. All in favor. Roll call- Dwyer, Klein, Sucharzewski, Minessale, Gilliland, Gordon.

-BRAIDLEA FARMS (Hall) Lot 2 / 2972 Essex Road / Tax # 40.11-2-6.000 / RL-3 Lake Front / Site Plan Review



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Kevin Hall stated the subdivision and the APA did include the construction of the single-family dwelling, which was part of the subdivision application. Plans were done by an engineer for the septic system, and the house plans were submitted by Bruce Pellerin, the contractor.

There were no comments from the code enforcement officer.

Gordon asked the Code Enforcement Officer if there was any requirement for the distance for the leach field setback on the southern part of the property. From what he could tell, there wasn't; Kevin Hall said it was ten feet for the leach field.

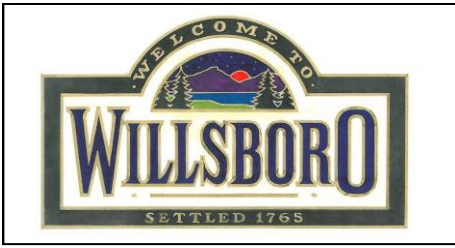
Klein made a motion to approve a site plan application for the Braidlea Farm at 2972 Essex Road. Dywer second. Roll Call- Dywer, Klein, Sucharzewski, Minessale, Gilliland, Gordon.

-MORAN Property / Reber Road / Tax # 39.1-1-1.100 & 39.1-1-1.200/ RR / Minor Subdivision
This board can discuss this, but to make sure we don't have any litigation on any projects, A 23.9 application to the County Planning Board needs to be filed. This is a technicality that has to take place. The county has 30 days to reply; if we do not get a response within 30 days, we do not need their approval. We cannot make any decisions as a board until the 23.9 has been sent for 30 days.

Discussion: The board can subdivide as long as the lot is within the minimum lot area; it needs 350 square feet for the minimum. They well exceed that.

Kevin Hall gives background on the land: it was brought to the board in 2017, and they opted out of doing the subdivision per Jim Kinley's advice. It was his understanding that they needed 8 acres in Willsboro, so her parents are going to give it to her if she needs it. However, if the board feels it isn't necessary to keep the 8 acres in Willsboro, they will take that out of the mix. It will be deeded to her, it is a family farm. Because wetlands are involved, the APA will be triggered, so the subdividing will take some time. Access to this 12.3 acre lot is through a right of way from Reber Road through her parents' property. Ultimately, she will replace the mobile home with a single family dwelling, which will be rolled into the APA permit process. There should be no issue with the APA process, they just need to go through it. Gilliland stated that we approve things conditional on certain items before, so is that possible here? Gordon said one reason we cannot approve this is because the 239M for the property. Kevin was not expecting approval tonight; he knows it will take time to go through the process. Dywer made sure there were 100 feet to the property line. There is no rush for this project. Gordon suggests going to the ZBA and asking for a variance for the .9 acres so the family does not have to give up the triangle of property. ZBA may be okay with it as is and grant the variance because the homeowner will have enough property, even if some of it is in another town.

This would avoid giving up that owner. The planning board needs a deed right away before anything can be approved. Kevin said this would be a minor subdivision with or without the extra property. Gordon asked how many times the Moran property has been subdivided. Kevin said the Moran's have brought two other subdivisions before the planning board, Rodney's house lot and then a second. Gordon asked, so this is the third? Kevin said we are at three or under. At four, it creates a major subdivision, and we don't want that. If anything is subdivided further it would create the major. Sturgess stated that our definition of a lot from our zoning is "is a parcel



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or portion of land separated from other parcels or portions by descriptions as on a subdivision map, survey map, or be metes and bounds for the purpose of sale, lease, or separate use." So it doesn't say it has to have a parcel number, it could just be a portion of land between two parcels, and still be considered a lot. There was a lot of discussion about the property being subdivided and consolidated over the years. The original owners gave their kids pieces of property throughout the years. It is believed that there are two or three existing ones, so this would be either the third or fourth. There is nothing in our zoning book that talks about major subdivisions. We have to figure out if there are four or five minor subdivisions before a major subdivision. This project is tabled and put on "old business" until the family is ready to come back.

Extra Information:

-Zoning and Planning Training Course, December 5th- Let Kyli know if you'd like to go.

-The Zoning Law book needs to be revised. If there are any major topics that need to be covered here, let us know. One topic that needs to be looked at, that Gordon and Bobby have gotten phone calls about camping trailers on lots. Right now, it is very easy for someone to throw their camper on a lot and pay a minimal fee to the town for 120 consecutive days of each calendar year. It doesn't have to have water/sewer.

-Gordon is working with Kyli and Bobby on things like 239M as well as on ongoing litigation that has required more information. We are trying to resolve all issues to make life easier, like the decision form (which needs to be stamped and filed with the town clerk within five days of the meeting), and now our minutes need to be too. Which makes it even more confusing for Kyli. We are figuring it all out and will get a good system in place.

Adjournment:

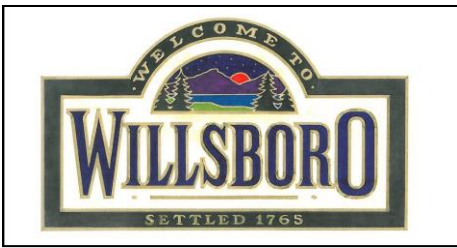
Gordon called for a motion to adjourn the meeting at 6:56.

Submitted by Kyli Miller

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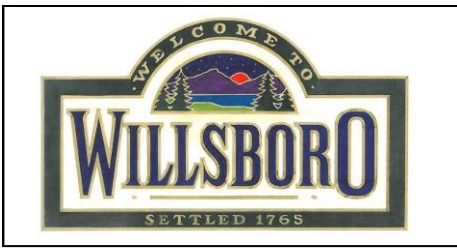
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This board can discuss this, but to make sure we don't have any litigation on any projects, A \$239,900 application to the County Planning Board needs to be filed. This is a technicality that has to take place. The county has 30 days to reply; if we do not get a response within 30 days, we do not need their approval. We cannot make any decisions as a board until we receive \$239 million back.

Discussion: The board can subdivide as long as the lot is within the minimum lot area; it needs 350 thousand square feet for the minimum. They will exceed that.

Kevin Hall gives background on the land: it was brought to the board in 2017, and they opted out of doing the subdivision per Jim Kinley's advice. It was his understanding that they needed 8 acres in Willsboro, so her parents are going to give it to her if she needs it. However, if the board feels it isn't necessary to keep the 8 acres in Willsboro, they will take that out of the mix. It will be deeded to her, it is a family farm. Because wetlands are involved, the APA will be triggered, so the subdividing will take some time. Access to this 12.3 acre lot is through a right of way from Reber Road through her parents' property. Ultimately, she will replace the mobile home with a single family dwelling, which will be rolled into the APA permit process. There should be no issue with the APA process, they just need to go through it. Gilliland stated that we approve things conditional on certain items before, so is that possible here? Gordon said one reason we cannot approve this is because the 239M for the property. Kevin was not expecting approval tonight; he knows it will take time to go through the process. Dywer made sure there were 100 feet to the property line. There is no rush for this project. Gordon suggests going to the ZBA and asking for a variance for the .9 acres so the family does not have to give up the triangle of property. ZBA may be okay with it as is and grant the variance because the homeowner will have enough property, even if some of it is in another town.



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