

# TOWN OF WILLSBORO

5 FARRELL ROAD WILLSBORO, NY 12996

518-963-8668

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## Minutes

### Public Hearing- Planning Board

**Date:** November 7th, 2022

**Location:** Willsboro Town Hall

**Present: Chairman-** Gregory Gordon; **Board Members-** Brian King, Andre Kleinm, Gina Minessale, Chauntel Gilliland, John Sucharzewski

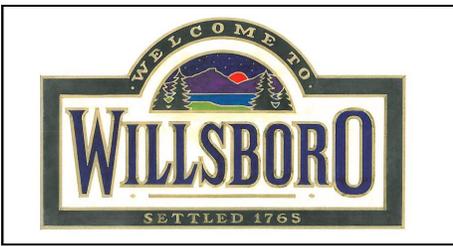
**Members of the Public:** Robin Belzile, Cathy Alden, Win Belanger, Polly Belanger, Roger Sayward, Lorilee Sheehan, Jennifer Allard, Ellen Cormier, Melissa Maki, Tracie McGill, Allen Alterie, Trisha Sheehan

Chairman Gregory Gordon called the meeting:

- Article 4 General District Regulations, Section 4.10 Schedules of Use and Area Regulation, Zoning Districts RL-1 LF
- Article 13 Site Plan Review and Procedures, Section 13.21 Public Hearing
- Article 14 Special Use Permits, Standards and Procedures

For the Property, tax number 21.9-14.3.100, located at 128 Corlear Drive, requested by Melissa Maki and owned by the Sheehan's Properties, LLC, starting at 6:05pm and welcomed the public in attendance. Gordon makes sure that members of the public know where emergency exits are, restrooms available to the public and to silence all cell phones and read the ground rules before starting. The Ground Rules are as follows: *These ground rules for speaking at this public hearing are in place in order to respect the rights of the public to free speech in a public forum. These rules apply to all people involved, public, members of this board and all others involved. Please respect everyone from the public, this board and all others involved in this hearing. All Members of the public who wish to speak are asked to sign-in.*

*Ground rules for the November 7, 2022 public hearing are as follows; 1. The public must sign-in and will be called as follows; a. Those who would like to speak and received a letter from the Town's Code Enforcement Officer (CEO). b. Followed by other members of the public. C. The Public Hearing is not a "Questions and answer" session but an opportunity to give information to the Public Board. 2. Time Limits for speaking will be based on the following; a. Persons who have signed in on the appropriate sheet, followed by; i. 10 minutes / Those who are party of interest (received a letter per town law) ii. 5 minutes / Those who are parties in interest (did not receive a letter per town law) b. Then the Public Hearing will be Recesses, Continuances or Closed and the members of the Planning Board will discuss the project; 3. Respect will be given to all parties involved and the following will not be allowed; a. Obscenities b. Foul Language c. Rude Gestures d. Personal Attacks e. Rude or Slanderous Remarks 4. Disorderly People are defined as; a. Anyone who interrupts, refuses to cede the floor, or insists on making excessively*



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*repetitive or irrelevant remarks b. If this is to occur the person (s) will be asked to leave the building. 5. Recesses, Continuances or Close, if needed will follow the following; a. A motion by the board for a (Recesses, Continuances or Close), starting the date, time and place the meeting will be resumed.*

## Public Hearing Started:

-Win Belanger asked if he could ask questions on protocol before the meeting started. Two things: the last time he appeared before the zoning or planning board, he was told town council members could not sit in the audience because the lawyer advised them not to. Second, due to nature and the ownership of this property, where you (referring to Greg Gordon) have a residence, are you supposed to ethically step aside? He was asking for protocol questions. Greg Gordon stated that he can still run the meeting and that there is no protocol, and that in the past he sat and voted.

Melissa Maki is speaking on the project-

*Good evening,*

*For those of you who do not know me, my name is Melissa Maki and I own Gratitude for Wellness – a holistic wellness center focused around acupuncture.*

*I have been a Willsboro business for five years and desire to stay that way. The primary population we treat are Willsboro residents and we take our commitment to this community very seriously. I take pride in bringing highly educated, compassionate practitioners into Gratitude to service our rural area.*

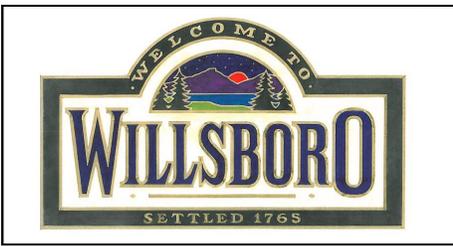
*My business not only supports our community but it pulls clients as far south as Crown Point, as far north as Chazy, as far west as Saranac Lake and as far east as Middlebury. The clients that come to us stop for gas, coffee, pizza, groceries, and meat at our small businesses and they frequent our local restaurants. It brings in more business for the town and more visibility for our locally owned businesses.*

*I work full time in my business and I have three additional practitioners. Corey Wheat provides acupuncture as well and works two days/week. Marina Harris provides Reiki and works one day/month. Sara Hurlburt provides mental health counseling and works 2 days/month.*

*Clients come to us to heal, to quiet their minds and bodies, and an atmosphere of tranquility is what serves them best. The property at 128 Corlear Dr. provides this. Due to the structure of the building, no more than two practitioners can work at a time.*

*Our business hours are typically Mon-Thurs 10:00-6:30 and every other Sunday. Because I take my commitment to the community so seriously, I will take emergency calls and if needed will come in on a day off to treat someone in urgent need.*

*I have been granted a special use permit before. I am a quiet business with minimal traffic. I am a great neighbor and regularly give back to community fundraisers.*



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*I live on Willsboro Point and value this very special community. I have heard from some of my friends and neighbors that they are concerned about two issues. The first being that I would set a precedent for other businesses to come down onto the point and second being increased traffic. I have spoken with two people on the planning board to ensure that I am not setting a precedent. I would be concerned about this as well as I live here too. I have been assured that every special use permit is unique to the situation and business and that none of them sets a precedent.*

*Because I do reside on Corlear Dr. I am well aware of the traffic flow. Traffic begins to increase around Mid-May, it hits a maximum in July and August, and then begins to decrease again until after Columbus Day weekend where it returns to minimal traffic.*

*The maximum increase in traffic for my business would be 4 cars per hour. I currently have 3 clients, 2 of which are seasonal, that would be traveling past the Lloyd camp in order to come to the business. All other traffic would be routed onto Frisbie which turns into Corlear and would stop at the business prior to passing the Lloyd camp. In essence, the Lloyd camp would see no increase in traffic past their camp at all from my business.*

*The neighbors that would see the small increase in traffic flow have already sent letters of support that are included in my packet to the board.*

*My business uses UPS for deliveries which is a vehicle that is already in the neighborhood delivering packages. We get approximately 2 deliveries per month.*

*In addition, the highest peak of traffic in the summer season corresponds to when myself and my practitioners take our vacations. We encourage our clients as well as ourselves to get outside and enjoy the area we live in. Our time in the office decreases during these months.*

*We also close the business for the major holidays – during peak traffic time this would include Memorial Day weekend, July 4<sup>th</sup> holiday, and Labor Day weekend- all times when families typically gather at camps and enjoy time together.*

*I truly believe Gratitude can reside quietly and non-invasively on Corlear Dr.*

*I thank you for your time and consideration of this proposal.*

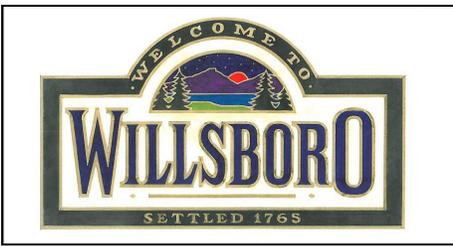
Next is residents that received letter-

-Robin Belzile-

*I am representing my family for our little piece of paradise at 131 Corlear Drive, which our parents bought in 1967. At that time the dirt road ended 3 lots beyond our property and there were cows in the fields on the opposite side of the road.*

*I am here in opposition of the application for a special use permit at a rental property at 128 Corlear Drive. The following seems inappropriate, ethically and lawfully wrong and therefore should be dismissed and disapproved.*

- 1. The Chair of the Planning Board should recuse himself from the Board (law section 12.6 Conflict of interest due to personal interests). Appropriately he should sit in the audience as not to influence the board with speaking, involvement or vote on the application as he resides at the address of the renter of said property.*



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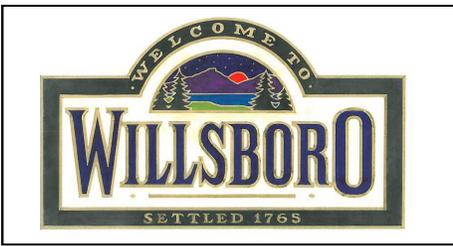
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2. *This permit should be denied solely on the home occupation law in section 5.6.1 #2 which states "Traffic generated shall not be in greater volume than would normally be expected in the neighborhood."*
3. *This should be disapproved until the boundary time adjustment just approved for this property by this same board is reviewed as well the parking area laws for single family homes and the issue not mentioned of those septic tanks adjacent to the property from houses across the road.*
4. *This public hearing should be canceled and closed immediately as it is not being held law town law section 14.8 of the Town of Willsboro Zoning Law which states; "Public Hearing" The Planning Board shall fix a reasonable time for the hearing of an application for a special permit after all necessary information has been obtained from the applicant and shall give public notice thereof by publication in official paper of notice of such hearing at least town (10) days prior to the date thereof. All owners of property within five hundred (500) feet of the nearest property line of the property for which special use is proposed shall be notified in writing by the Planning Board as well as such other persons as Chairing of the Planning Board deems appropriate."*

*Our family has known Melissa Make since she moved to Willsboro and we consider her a friend. We hope everyone realizes that our opposition to this application is not personal.*

*That being said, we feel strongly that Corlear Drive should remain strictly residential other than the long ago approved and grandfathered IBM and those home occupations that do not involve any frequent daily visitors or additional traffic. An additional 30 or more cars a day, as per Ms. Maki's application, would cause a danger to the children in the neighborhood. The road, already heavily used by walkers, runners, and bikers, also would be needlessly and furthered impacted during summer months as we welcome the influx of our wonderful summer neighbors on this narrow roadway. The property at 128 Corlear Drive was built as a residence. In addition to the objections above our concerns are with septic systems; Is a proposal to upgrade the septic system at 128 Corlear to accommodate a business that will have daily visitors of undetermined numbers?*

*The town has been looking to revitalize Willsboro. I think this is great. An acupuncture business, along with a massage therapist and/or yoga studio would go a long way to starting this revitalization. However, not in a residential area! I can think of several building/locations in town that would be great for Gratitude for Wellness. Perhaps the town could assist Ms. Maki in securing a grant. If she chooses not to do this, perhaps she could rent space at the Willsboro Business Center. Perhaps the planning board should review any applications or permits for housing Gratitude for Wellness in the Pickle Ball/storage building they might find they issued. Our father passed away in 2013 and our mother died last year. They worked hard to make our summer home a hub for our family. They left it to us in hopes that our families would come together in the summer and continue what they started for our children and grandchildren. Many of the Point camps were bought by people like our parents hoping to escape traffic filled streets, with speeding cars rushing to make hourly appointments.*



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*I hope the board will carefully consider my points and reject the application submitted by Ms Maki  
Thank you*

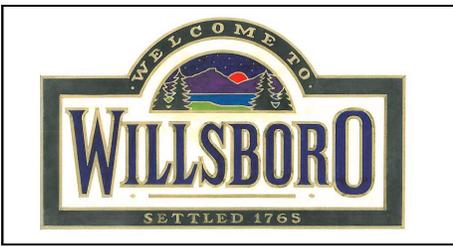
-Tracie McGill is representing her husband, Mark, and herself. They are in support of Melissa's application. She wishes to express their support, and their opinion is that this type of business would not be disruptive to their community; she believes that we should have more people committed to living here full-time and invested in our community. She believes that this business is going to be less disruptive than what they have seen on Corlear. Tracie would much rather have Melissa occupy that space than have tenants throw ragger parties like they have seen in the past or have people litter the roadside with empty beer cans. She recommends that the board approve this request.

- Ellen Cormier is here on behalf of her mother to express her concern about the operation of the business, not because of the nature of the business, but because of the increased volume of traffic on the road and safety/quality of life concerns.

- Trisha Sheehan is building a home right next to 128 Corlear Drive. They know Melissa, her business, and her reputation. There are certain hours when traffic will stop going in and out of that location, and there will not be traffic on holidays. So, with a young family next door, I'd rather have a reputable business next door than a tenant who you don't know how many cars will be in or out or for how long. Trisha stated that she is a little confused because there is a boundary line adjustment on the property, but she is not sure how it comes into play with the issues at hand. She wants to clarify that the boundary line is at the back of the property and has nothing to do with the parking. There is a septic system on the property across the street, but again, it does not affect this issue at hand. We are in support of the project.

-Jennifer Allard, residing at 139 Corlear Drive, She agrees with sentiments on both sides of the topic, but for them, it is not whether the business is disruptive or not. They are all in agreement and want to see business growth in Willsboro, but not at this location. She walks the road and knows there are issues with traffic. It feels like a slippery slope; she understands that each application is based on its own merit, and she agrees with that. She's concerned with where you draw the line: if the next business wants to be a hair salon and has three people in an hour, and the next business is an auto repair shop and they have run-down cars, etc. She would like to see the town focus more on rehabbing downtown and the central business area instead of moving businesses out to the edge. They are not in favor of putting the business in their backyard.

-Win Belanger does not live on the point. But as far as the septic system—there are septic systems across the street—he said that there are septic systems across the street on the property and that the planning board needs to know where they are. The boundary line is used to



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determine whether the number of parking spaces allowed by zoning law in a private residence will increase due to workers or clients. There are many places, even on Middle Road, where he has no idea how the business got into that residential area. There is not a reason to do this type of business in this location. The hours of 10 a.m. to 6 p.m. are long; that's 8 12 hours of people coming and going. The traffic itself is a reason for it not to be on Corlear. You'd have to look at lowering the speed limit; I am opposed to it. There's no reason for it to be there.

No other public comments-

No comments from the board-

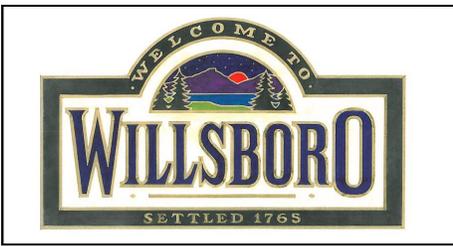
No questions for the applicant

If there are none, we need a motion on this project. The motion can be to recess, continue, or close the public hearing and have a motion on the project.

-Sucharzewski asked about the business hours and days: Monday through Thursday, no Friday or Saturday, but open on Sunday. Melissa clarified that it is every other Sunday. King asked if she had to apply for a special use permit at her old business location; Melissa said yes, and there were no complaints from any neighbors. Sucharzewski asked if there were similar hours at her old location and if there was the same amount of traffic. Melissa stated that the hours were the same and that traffic would be lighter at this location. Melissa mentioned that the maximum traffic would be four cars per hour, according to Gilliland; does this mean that the two staff members will be treating two people at the same time, or... Melissa clarified that no, it is two people who would be getting treatment, and each treatment is about an hour, so two more people would be coming in while two people would be leaving, which would be all within a 15 minute window. which is only true if two people are working at the same time. Melissa told John that she had been running her business on Cedar Lane for five years. Klein asked how many clients Melissa has total, and Melissa said probably 300. So three of those 300 ships approach from the north, and the remainder approach from the south.

-Robin Belzile added that the Cedar location was different from the Corlear property because there were only two driveways before Cedar Lane and nothing across from it. So she thinks that it is two completely different locations, even though Cedar Lane is also residential.

-Lorilee Sheehan said that she is right across the road and wants what is best for the neighborhood, her family and grandchildren, as well as the other children in the neighborhood. As Robin has spoken, the two sites are very different, but Cedar has year-round residents and Corlear, for the most part, does not. Melissa's practice is year-round.



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-Gordon addressed some clerical issues; we have numerous emails from some of the people who spoke here today or represented one of them, as well as some others. On the list that I have here, we have emails from Masons, Germains, Lloyds, Lindsays, Allards, McGills, Gonzalez, Deacon, and Conroy, which are all now part of the record for this public hearing.

**King makes a motion to close the public hearing with further discussion afterwards. Klein second. Roll Call: Klein, King, Sucharzewski, Gilliland Gordon recuses himself.**

**Closed the public hearing meeting at 6:34 p.m.**

-King's opinion is that this is not a big business, and it will not be overwhelming for the property owners. He personally does not see it as being a burden to the community.

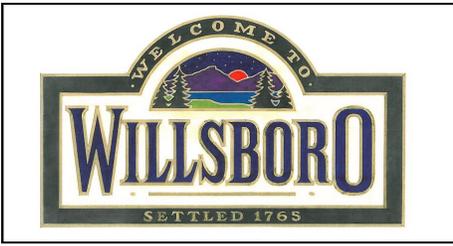
-Sucharzewski is a proponent of bringing business to the community; he also lives on Corlear Drive with his family. When the business was on Cedar Lane, he did not even know it was there. He cannot imagine that the amount of traffic this business is going to produce is going to be a detriment to a neighborhood or a road that a marina with a bar and restaurant is on. There are a number of businesses down on the point, and yes, they may be grandfathered, but he does not see where a business like this will affect the quality of life for anyone on the point anymore than what is already there.

-Klein said that his opinion lines up with that of Sucharzewski and King: yes, there is additional traffic with a business, but compared to the Marina with the active bar and restaurant, it is quite insignificant. He would like to know how many residents are actually on Corlear Drive, which is in the southern part. Sucharzewski said that he has neighbors who live past him and go by his house 10 times a day, creating more traffic than anything other than this acupuncture business. An average of 2 or 3 cars per hour during the working day is not much.

-Gilliland understands the concerns about the traffic, but just going by the book, she went to the section for home occupations, and based on 5.61.1, there are no excessive noise vibrations; 5.61.2, traffic generation depends on the time of year; two cars coming in and two cars pulling out are not going to generate excessive traffic; parking seems to fit 5.61.3, and it also fits 5.62.1. So if you go simply by the zoning law, I do not think it is excessive in any of the languages.

-King said that every business is going to be unique, so if another business tries to get a permit, it should not set a precinct because every individual business is unique.

-Klein thinks that the board would think differently if it were an auto repair business.



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-Sucharzewski said that this permit is for this business; if Melissa were to move out and another business wanted to move in, they would have to reapply for a special use permit; it would not be grandfathered in.

- Klein said if we issue the permit, we can make it contingent on the hours that the applicant stated—the holiday closing periods. So it is not adding to the traffic because the residential traffic is the greatest.

Allard asked for an understanding if, if the permit is issued, it is for a certain amount of time. Gordon said that the permit would be issued and stay, but if there were complaints that came in to make them question the use of it, it could be revoked or pulled back. Otherwise, it would only last as long as Melissa and Gratitude for Wellness were present.

**King made a motion to approve the special use permit for Melissa Maki at 138 Corlear Drive, under the information that was submitted for Gratitude for Wellness. Klein seconded the requirement that only two practitioners work at the same time. All are in favor. Roll Call: Klein, King, Sucharzewski, Gilliland Gordon abstains.**

**A special use permit for 138 Corlear Drive has been approved under the stipulation of operation hours and two practitioners working there at a time.**

**Klein made a motion to adjourn. Kind second. All in favor.**

**Meeting adjourned.**

Submitted by Kyli Miller

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