



TOWN OF WILLSBORO
PLANNING BOARD

MINUTES
PLANNING BOARD MEETING
DATE: September 28th, 2021 at 6:00 PM
LOCATION: Willsboro Town Hall

Present: Chairman: Gregory Gordon Board Members: R. Andre Klein, Chauntel Gilliland, Gina Minessale, Larry Charbonneau

Excused: Brian King, Tom Dwyer

Absent: John Sucharzewski

Members of the Public: Gary Doty, Barbara Doty, Harmon Provost Jr., Randy Ashline, John Ball, Vivian Ball, AnneMarie FitzMaurice, Sarah FitzMaurice, Doug Ferris, Jim Russo, Christine Benedict, Tamara Mero, Paul Mero, Spencer Hathaway, Hannah Carson, Tammy Bigelow, Keith Bigelow, Maureen Moynan, Charles Moynan, Roger Sayward, Ulla McCray, Richard McCray, Terry Pulsifer (CEO)

Chairman Gregory Gordon called the meeting to order at 6:02pm

MINUTES:

The August 2021 minutes were approved as presented.

A motion was made by Charbonneau and seconded by Klein to approve the August 24th, 2021 minutes as presented. All in favor and motion carried.

OLD BUSINESS:

Jason & Faith Pollock – 310 Corlear Drive – 11.17-1-44.000 – RL-1 – New Building

Gordon asked if the Pollocks were present; they were not. Gordon emailed the most recent drawing that we have received to the board. Gordon spoke with Terry Pulsifer, Code Enforcement Officer, about this project. Gordon stated that we are under the understanding that Mr. Pollock is going to do all of the work himself. Mr. Pollock does not want to put any money into the property if the site plan review isn't going to be approved. *A motion was made by Charbonneau and seconded by Klein to approve the site plan review. All in favor and motion carried.*

NEW BUSINESS:

Safe Harbor Willsboro, LLC – 25 Klein Way – 21.13-1-10.000 – RL-5 – Demolition of existing cottage and replacing with a swimming pool and bathhouse

Gordon stated that Safe Harbor Willsboro, LLC would like to enhance the quality of their facility. Gordon asked if the representatives of Safe Harbor Willsboro, LLC would like to provide further information on the project. Jim Russo stated that they would like to enhance the quality of the facility and offering to the current customer base with the swimming pool and bathhouse. Doug Ferris, engineer, stated that the existing structure was built in the late 1940's and is 80 feet from the lake. He also stated that the new building would be 120 feet from the lake. Gordon asked if Terry Pulsifer had any comments. Terry Pulsifer stated that Mr. Russo and Mr. Ferris summed up the project. Mr. Ferris also stated that he received an update from the APA and they are looking for more information on the project. The APA would like more information on the project so that they can determine if they are going to emend the existing permits or if they are going to treat it as a separate action and need to do a new permit. Mr. Ferris stated that the pool will go through the Department of Health. Gordon asked if the board had any comments or questions on the project. No comments or questions from the board. ***A motion was made to approve the site plan of demolition of existing cottage and replacing with a swimming pool and bathhouse as long as the project meets or exceeds the APA and any other agency with jurisdiction to be submitted to the town code enforcement officer by Charbonneau, seconded by Minessale.*** Klein abstained from the vote as Klein is a part time employee at Safe Harbor Willsboro, LLC.

Anne Marie FitzMaurice – 7 Weigands Way – 20.3-2-21.000 – HC-2 – Rebuild of structure due to damaged foundation with additional square footage

Spencer Hathaway, representing Anne Marie FitzMaurice, stated that the structure is falling down and out dated and would like to bring it up to today's code. Mr. Hathaway stated that he brought in a full size set of drawings to scale for review. Gordon asked if the Zoning Board of Appeals has seen this project. Mr. Hathaway stated that it has been in front of Zoning Board of Appeals and Gordon asked if it is going to a public hearing next month and Mr. Hathaway stated that it is. Gordon stated the reason that it is here in front of the planning board is because it is within 500 feet of the waterfront on Long Pond and to make sure it covers the requirements which is 50 feet from the high-water mark. It is currently at 46 feet and one corner is very close to the property line. The FitzMaurice's have already gone a set ahead to the Zoning Board of Appeal. ***A motion to approve the site plan understanding that the ZBA gives them the approval for the needed setbacks, the high-water mark and meets or exceed all other requirements of the town code enforcement officer by Klein, seconded by Charbonneau. All in favor and motion carried.***

PUBLIC HEARING:

Christine Benedict – 3647 Essex Road – 31.13-6-9.110 – HC-1/RM-2 – Special Use Permit

Gordon called to order the public hearing at 6:11pm. Gordon welcomed everyone from the public. Gordon read the ground rules for the public hearing (see attached). Gordon stated that a decision will not be made tonight on this project. Gordon stated that he will be going through his list. Gordon took a map and the people who received letters, went around clockwise. Adjoining

properties first, anyone who did not have adjoining properties will be next. Gordon asked Mrs. Benedict if she would like say anything. Mrs. Benedict declined.

Gordon asked if Richard McCray and Ulla McCray wanted to speak and they stated that they don't have anything to say at this time.

Tammy Bigelow stated that she had the minutes from the May 25th, 2021 meeting and is questioning quoted "Powell stated that he thought the project would need a special use permit with further consideration the board came to conclusion that the project does not need a special use permit" If you go on, you (Gordon) question some things and the motion was approved. It says a motion was made by King, two self-storage units and seconded by Klein. My understanding of this, is that you have already approved this stated Mrs. Bigelow. Gordon stated that we approved the site plan and Mrs. Bigelow stated that that is not what the minutes say. Mrs. Bigelow stated that the minutes state that you approved the construction not site plan. Gordon asked if she read the August 24th minutes where the board admitted that a mistake was made and that it did need to a special use permit. Mrs. Bigelow stated that all 6 of the properties that border it, are all residential. Mrs. Bigelow stated she has a map of the property as a whole, Mr. Pulsifer let her know that it was 61% residential and 39% commercial. Mrs. Bigelow asked if you take the driveway out of it, what is the percentage of commercial vs. residential? Mrs. Bigelow stated that it makes it less commercial. Mrs. Bigelow is concerned about the lighting, worried about vandalism, not knowing who is back there and when they are back there. Mrs. Bigelow stated that she has a lot of money in tools and equipment in her yard. Water is another issue Mrs. Bigelow is concerned about. She stated that there is standing water out on that piece of property and is concerned with all of the septic systems working as water flows downhill.

Keith Bigelow asked what the difference is between commercial and residential. Mr. Pulsifer stated that residential is listed as a single or multi family dwelling and read the different commercial zones per zoning law – 13 different uses. Mr. Bigelow asked how storage units can be put on a residential property and Mr. Pulsifer stated that there are two different zones on this property and that Mrs. Benedict is coming to the board for a special use permit. Mr. Bigelow asked how she can get a special use permit and Gordon stated that this is what this meeting is for. Terry Pulsifer stated that he did make a mistake and had admitted his mistake several times due to the small map that he had available to him.

Randy Ashline stated that he is against the building of any commercial building back there. Especially after I read this and know now everything that they could put back there. Mr. and Mrs. Ashline are against the special use permit. Water is a huge issue as he has a ditch alongside of his property and he needs to rake it out twice a year so the water leaves his property or it will end up in his basement. Mr. Ashline stated that he has been there for 32 years, with exception of this year and a few other years, his pump runs during the winter. Mrs. Ashline stated that they have grandchildren growing up there. Mr. Ashline stated that he doesn't think that there is any excuse for Terry Pulsifer not having the proper map. The mistake should have never been made to begin with but Terry Pulsifer should have the proper maps to do his job.

Mr. and Mrs. Moynon stated that they agree with others and that the water drainage issue is a concern of theirs as well as the property changing from residential to commercial.

Mrs. Ashline, Lucas Ashlines, mother voices Lucas' concerns for him. She stated that they are raising a family and they don't know what else could possibly be going back there other than storage units and are concerned with the water drainage issue.

Hannah Carson stated that her and her husband just built a house and have been living there for two weeks so she can't speak on behalf of the water problem. However, she does have young children and not knowing what it could potentially be back there concerns her.

Harmon Provost is concerned about water, lighting and asked what way the buildings would be facing. Gordon stated that the building will be going long ways through the two properties, length wise. The back of the buildings towards Woodlawn drive will be blank buildings. Mrs. Benedict showed Mr. Provost the drawings. Mr. Provost stated that if this does get approved, he would like a fence as he has grandchildren and don't want to see people back there.

Mr. Ball stated that lot has a tremendous water problem. He has lived there for 60 years and have fought the water constantly. There is a very deep natural well and it has been a problem forever. His kids used to go over there and skate. The lot in question is surrounded by residential properties. Mr. Ball stated that it would be very wrong to declassify this property. There are probably properties around that property in question, and they all have water issues, Mr. Ball stated. Mr. Ball stated that while the owner intends to build a storage unit, and if doesn't work out in a year, what if they decide to sell it and something else commercial goes in there. Mr. Ball stated that no one will know what could go in there after the storage facilities.

Roger Sayward Jr was not present to speak but his father Roger Sayward was present and express his son's concerns. His concern is the draining and the wet property as we know it. Mr. Sayward stated that the plans state its going to drain behind – south. Mr. Sayward asked how is the water going to get out of there? If it's going south, its going across the other side of the road and making properties over there wet, Mr. Sayward stated. Mr. Sayward stated he wish not to see it become commercial there but this is left to my son and he has kids and would not like to see commercial come into residential. It could be a bar or whatever, we don't need that there, Mr. Sayward stated.

Gordon stated that Darlene LeClair Brady phoned in her view to the Town Supervisors Clerk on Monday, September 27th, 2021 and stated that she was for the self-storage units and doesn't see any issues with this project. Mrs. Brady also stated that this would be one of the quieter businesses on that end of the Essex Road.

Mrs. Bigelow asked who that is as she didn't know her. Asked where she lived. Mrs. Benedict explained to her where Mrs. Brady lived.

Gordon asked if there was anyone from the public to speak.

Gary Doty, owns the self-storage units that are down the road. He stated that the locations from where his self-storage units are and where these storage units would potentially be are quite different zones. Mr. Doty has been in business since 2003 and has had the opportunity to build a 4th building but there is not a market for it. There isn't any justification to build more. Mr. Doty stated that he has vacancy now and he predicts he will have more. He stated that there has been discussion that there has been lots of money invested already and that shouldn't be taken into consideration by the board and he stated that it would be like making a commercial island in the middle of the residential.

Spencer Hathaway – Stated that the drainage issue and water issue has always been an issue. There used to be a movie theatre, lumber yard, laundry mat and no one has made mention of those. Mr. Hathaway did agree with others in regards to the kids and made mention that they maybe should put up a chain-link fence.

Mrs. Bigelow asked Gordon if she could ask a question of Mr. Doty & Mrs. Doty – have you had any trouble down there or have the wrong people renting? Mrs. Doty explain that they did have someone renting from them and went to Texas and was arrested and come to find out when we had to open up the unit, he was a pedophile. Mrs. Bigelow stated in regards to the water – water doesn't flow up hill, so if she builds that up towards us that leaves us with more water. Mr. Hathaway stated that if she leaves the drainage squall behind it. The water table is what the water table is. Mrs. Bigelow stated that Mrs. Benedict has no place to drain it, she doesn't own the property around it. Mrs. Benedict stated that she has already installed more than 1200' of drainage tile to take it away from that lot and someone stated that they didn't get it. There is a culvert there along side of the Essex Road. Mrs. Benedict stated that she has spent a great amount of expense to take the water away from that property as well as Woodlawn Lane for the water to go to the culvert on the Essex Road because she knew of the problem and concerns from people on Woodlawn Lane.

Gordon stated that we received a document from Gary and Barbara Doty with the explanation of the Zoning Law and their explanation and some photos. (Please see attached).

Mrs. Bigelow stated that she is with Mr. Provost and would like 12' privacy fence around this whole thing if she has to even think about this passing.

Mrs. Doty stated that they had to get rid of a couple of people who decided to live in the self-storage. She stated that the board needs to pay attention to what they are bringing into a residential area. Mrs. Doty feels that they are pretty much in a commercial area but this is going to be around residential homes and also stated that resale value may plummet due to these self-storage units.

Mr. Ashline stated that Mariyln & David Ashline are both deceased and Jimmy Ashline lives there now. Mr. Ashline stated that Mrs. Cassamento didn't receive a letter and other that are within 500' that did not receive the letters. Terry Pulsifer stated that he uses a computer-generated map and has upped the footage to 550' to ensure people are not missed, the law states 500 feet. Mr. Ashline stated that his concern is that the map you use is wrong and some people did not get notified and they need to be notified. Terry Pulsifer stated that Mr. Koenig called and stated that he was not notified, and Terry Pulsifer sent Mr. Koenig the map showing the footage.

A member of the public asked if Ginger and Scott LaPine got a notice. Mrs. Ashline stated that they didn't get a notice because she had asked them.

John Ball stated he wanted to point out to the board that when a property is approved for commercial what happens. Mr. Ball stated there is one on Woodlawn lane. He stated that there are 28 houses on that street and there are trucks going by constantly, sand and gravel, and equipment. Somewhere over the years that got approved and there is an example of a business right in the middle of a residential area which is not right stated Mr. Ball. Gordon stated not sure where you are talking about and I do know the area but that was before my time on the board. John Ball stated it was DJ Belzile. Mr. Hathaway asked what everyone wants in this town, no one to work?

Mr. Bigelow ask if self-storage units are considered a business? Yes, they are considered commercial Gordon stated. Mr. Bigelow asked a series of questions. How many people are going to get hired? Who's going to plow the driveway? Christine. Who's going to mow the lawn? Christine. What happened to the industrial park? Mr. Bigelow stated that he heard that it got sold. Some discussion was had. Gordon stated that this doesn't have anything to do with the property in discussion. Mr. Bigelow stated that in a few years he hopes to be retired, as a lot of others bordering this property in question are, and he does not want to look at that in his back yard.

Mrs. Doty stated that around this area and in Peru, Keeseville, Plattsburgh the market is saturated. There is a little niche in Westport, Lewis and Elizabethtown that would probably make it a go in those towns and it would be cheaper.

Jackie White, town attorney, advised that we leave the public hearing open until the next meeting as there is notification in question.

Gordon stated that we will not be making a decision on this as there are other administrative issues on this with the County and the State and we need to hear back from them prior to making a decision.

Mr. Ashline asked to explain what they are. Jackie White required referral to the county planning board and that is being made and there are certain timeframes, have to wait to hear back or wait for 30 days to lapse and neither have happened so we need to wait before a decision is made. We also have to go through the SEQRA process which there is an environmental form for the board to review and part 2 will be reviewed at next month's meeting.

Mr. Ashline asked where in the timeline we were. Jackie White stated that she wasn't sure but thought towards the beginning of the process but it could happen sooner if we hear back sooner.

Mr. Provost asked why they are still doing work on the property. Mrs. Benedict stated that she could still work on her property, she isn't building anything. Gordon stated that this has nothing to do with this board and that this board does not have anything to do with what they do on their property. If you have concerns, take it up with other officials.

Mr. Ashline asked if they will be notified about the next meeting. Jackie White stated that the public hearing will be open until the next meeting. Mr. Ashline asked if there will there be a notice in the paper? Jackie White stated no, there will not be a notice in the paper and that it will be on the agenda for next months meeting.

Mr. Ashline asked the board what they found in their research that made them move forward and say yes? Jackie White stated that the public comment section is not meant to be a back and forth or questioning and it is safe to say that they considered the application materials prior to making their decision. Gordon stated that we based our decision on the information we had. Mr. Ashline stated that he would like to see the information that the board based their decision off from. Jackie White stated that they could submit a foil request to the Town Hall and ask for any documents that are a public document.

Lucas Ashline arrived and stated that his mother already spoke for him but he does not feel safe to have this in his backyard with his kids. Children play back there and he stated its not the place for it.

Mrs. Benedict stated that back behind Lucas Ashline's property has not been cleared.

A motion was made by Charbonneau, seconded by Klein to adjourn the meeting at 6:57pm.

Respectfully Submitted,

Morgan Denton
Secretary for Planning and Zoning Board

DRAFT

DECISION FORM:

BOARD:	Planning Board
DATE OF MEETING:	September 28, 2021
APPLICATION NUMBER:	88-P
NAME:	Jason & Faith Pollock
PROJECT ADDRESS:	310 Corlear Drive
TAX MAP NUMBER:	11.17-1-44.000
REQUEST FOR APPLICATION FOR:	New Building

PROPOSED MOTION:	<i>A motion was made by Charbonneau and seconded by Klein to approve the site plan review. All in favor and motion carried.</i>			
MOTION MADE BY:	Larry Charbonneau			
MOTION SECONDED BY:	R. Andre Klein			
MEMBER VOTE:	MEMBER NAME:	YES	NO	NOTES
	Gregory Gordon	X		
	John Sucharzewski	-		Absent
	Brian King	-		Excused
	Chauntel Gilliland	X		
	Gina Minessale	X		
	Larry Charbonneau	X		
	R. Andre Klein	X		
	Tom Dwyer (Alternate)	-		Excused
SIGNATURE OF PLANNING CHAIRMAN:				

DECISION FORM:

BOARD:	Planning Board
DATE OF MEETING:	September 28, 2021
APPLICATION NUMBER:	94-P
NAME:	Safe Harbor Marina, LLC
PROJECT ADDRESS:	25 Klein Way
TAX MAP NUMBER:	21.13-1-10.000
REQUEST FOR APPLICATION FOR:	Replacing with a swimming pool and bathhouse

PROPOSED MOTION:	<i>A motion was made to approve the site plan of demolition of existing cottage and replacing with a swimming pool and bathhouse as long as the project meets or exceeds the APA and any other agency with jurisdiction to be submitted to the town code enforcement officer by Charbonneau, seconded by Minessale.</i>			
MOTION MADE BY:	Larry Charbonneau			
MOTION SECONDED BY:	Andre Klein			
MEMBER VOTE:	MEMBER NAME:	YES	NO	NOTES
	Gregory Gordon	X		
	John Sucharzewski	-		Absent
	Brian King	-		Excused
	Chauntel Gilliland	X		
	Gina Minessale	X		
	Larry Charbonneau	X		
	R. Andre Klein	-	-	Abstained
	Tom Dwyer (Alternate)	-		Excused
SIGNATURE OF PLANNING CHAIRMAN:				

DECISION FORM:

BOARD:	Planning Board
DATE OF MEETING:	September 28, 2021
APPLICATION NUMBER:	93-ZP
NAME:	Anne Marie FitzMaurice
PROJECT ADDRESS:	7 Weigands Way
TAX MAP NUMBER:	20.3-2-21.000
REQUEST FOR APPLICATION FOR:	Rebuild of structure due to damaged foundation with additional square footage

PROPOSED MOTION:	<i>A motion to approve the site plan understanding that the ZBA gives them the approval for the needed setbacks, the high-water mark and meets or exceed all other requirements of the town code enforcement officer by Klein, seconded by Charbonneau. All in favor and motion carried.</i>			
MOTION MADE BY:	Brian King			
MOTION SECONDED BY:	Larry Charbonneau			
MEMBER VOTE:	MEMBER NAME:	YES	NO	NOTES
	Gregory Gordon	X		
	John Sucharzewski	-		Absent
	Brian King	-		Excused
	Chauntel Gilliland	X		
	Gina Minessale	X		
	Larry Charbonneau	X		
	R. Andre Klein	X		
	Tom Dwyer (Alternate)	-		Excused
SIGNATURE OF PLANNING CHAIRMAN:				