



TOWN OF WILLSBORO
PLANNING BOARD

MINUTES
PLANNING BOARD MEETING
DATE: January 25, 2022 at 6:00 PM
LOCATION: Willsboro Town Hall

Present: Chairman: Gregory Gordon Members: Gina Minessale, Larry Charbonneau, Tom Dwyer, Chauntel Gilliland, John Sucharzewski, Brian King

Excused: Andre Klein

Members of the Public: Yvonne Pierce, Pieter Williams, Doug Ferris, Harry Reed, Jim Abdallah, Glenn Sayward, Brianna Pierce, Rebecca Palmer, Melissa Maki, Jeffrey Bigelow, Pete Sowizdrzal, Phil Kennedy, Terry Pulsifer (CEO), Trisha Sheehan, Alan Alterie.

Chairman Gregory Gordon called the meeting to order at 6:00pm.

Minutes:

The December 2021 minutes were approved as presented.

A motion was made by Charbonneau and seconded by Minessale to approve the December 28, 2021 minutes as presented. Roll call: Minessale, King, Charbonneau, Dwyer, Gilliland, Sucharzewski, Gordon. All in favor and motion carried.

Old Business:

Seville Development, LLC – NYS Route 22 – 30.12-2-19.200 – H-1 – Dollar General Retail Store

Gordon asked if there was a representative that would like to speak on this project. James Abdallah stated that he is from AEDA out of Plattsburgh, NY. The first application is for a minor subdivision and he stated that 1.24 acres would be divided and merged with the adjacent property. Gordon asked if the Code Enforcement Officer would like to address anything with this project. Pulsifer stated that he did not have anything to address about the minor division.

Gordon stated that they have somewhat met the requirements with the application. Gordon stated that the applicant provided the board with an old deed as well as an agreement to terminate restrictions with a lot of blacked out information. Harry Reed, from Seville Development, stated that the agreement is between two individuals and the blacked-out information was financial information. Gordon and the board agreed that they are concerned with the amount of information that is blocked out in the agreement, as it is a whole section out of the deed.

Gilliland stated that for the subdivision that this information would be needed because it could affect the minor division part of it. Gilliland stated that there are restrictions that are still there and that those conditions have not been lifted yet and that she feels the board cannot approve projects that conflict with restrictions that are on this parcel. Gordon and Minessale agreed with Gilliland.

Gordon recommended to the board that they should go through the whole SEQR process due to a couple of questions (#12b part 1 and #15) on the short form being answered "yes". Gordon explained that there were a few projects in town where artifacts ended up being found and Gordon stated that a better study should be done to ensure that the town wouldn't be losing artifacts. Gordon requested that the board approve that a full long form SEQR be completed.

Gordon stated that the applicant did not submit any plot plans or surveys in regards to the driveway.

Charbonneau stated that with the information that the board was given from the applicant that they have a receipt from the county clerk for the transaction of the property from McKenna to Long but there is not a copy of the transaction from Long to Seville Development. Charbonneau asked if Seville Development could sub-divide if the board does not know if Seville Development owns the property.

Abdallah stated that Seville Development has a purchase agreement with Mr. Long. Gordon asked if they are trying to take out the restrictions that are in the deed. Abdallah and Reed stated that there are arrangements and there is a monetary value in that agreement.

Charbonneau stated that a filed deed and a copy of the county clerk's transaction showing from Mr. Long to Seville Development would be something that the board would need prior to approving the minor division.

Abdallah stated that they wouldn't have those documents until Seville Development has the Planning Boards approval. It was stated that Mr. Long should be the applicant requesting the subdivision. ***A motion was made by Minessale to table the minor subdivision, seconded by Charbonneau. Roll call: Minessale, King, Charbonneau, Dwyer, Gilliland, Sucharzewski, Gordon. All in favor and motion carried.***

Gordon asked Reed and Abdallah if they had any comments in regards to the site plan approval for their application. Abdallah explained that Seville Development would be the owner of the property and building and their initial tenant would be Dollar General. Abdallah stated that they would like to build a 10,640 square foot building with adequate parking. Sucharzewski asked if Abdallah had any elevations. Abdallah reviewed two photos and plans with the board.

Reed asked the board which building they desired, metal or wood. Gilliland stated that she did not like either one of them and that neither one of them fit in with the surrounding Adirondack area.

Gordon asked if Terry Pulsifer had any questions or comments in regards to the site plan review. Pulsifer stated that in the zoning law under the definitions of a retail store it stated that the maximum square footage is 10,000 square feet. Pulsifer continued on to state that if the applicant wants to continue with a 10,640 square foot building that the applicant would need to go before the Zoning Board of Appeals for the extra square footage.

Gordon stated that due to the complexity of this project, the board requires additional information. Gordon requests the applicant come back to the board with the following: form SEQR, NYS Report for access to Route 22 for the entrance and exits and a storm water study.

Gordon asked Reed and Abdallah if they have reviewed their entrance and exit as it would be as people crest over a hill at 40mph. Gordon stated that this is a huge safety issue as there would be more traffic added to that area with a sight line issue.

Gilliland stated that with the Khushi Mart across the street, it would almost act as an intersection on that part of Route 22.

Abdallah stated that for all deliveries the maneuvering is done on site and that the tractor-trailer trucks would not be backing into the entrance. Abdallah stated that they provide enough space within the parking lot to allow trucks to pull in and back in where they need to, all on site. Abdallah stated that as far as Department of Transportation goes, they have started the coordination with them. Abdallah sent in a stage 1 request and received back notification that they can move to stage 2 and Abdallah provided the board with that written correspondence in regard to stage 1 (see attached). Abdallah stated that George Laundry was the engineer they were working with at DOT. Gordon stated that the applicant would need to provide the board with the report from the Department of Transportation.

Gordon stated that he would like to see a storm water study done as you are now taking 1.6 acres and per town zoning law you can have 80% coverage but this project is pretty close when you take into consideration the parking lot, roof etc. Gordon asked what the plan is for that and in the application the applicant stated that they are expecting 270-340 people per day in the store and Gordon asked about oil separators.

Gordon commented on the two photos that the applicant brought to the board's attention. The two photos that were shared with the board do not fit in with the Adirondack theme.

Reed stated that Seville Development are developers and that they have designed these building within the Adirondacks and are a step above other developers with this design. Abdallah asked if they were to change the color of the building to a more earthy tone color if that would make it fit in more with the Adirondacks. Gordon stated that he has seen other photos of different buildings that look like it fits in on the computer in the Adirondacks. Sucharzewski stated that no one wants the metal building. Gilliland stated that both of the buildings really look the same. Sucharzewski asked about landscaping. Abdallah stated that they have done their landscaping different ways based on the preferences of the local communities. Abdallah stated that as far as the sign goes, it would be coordinated with meeting some standards as well as what the community is looking for.

Gordon stated that there is a lack of green space due to the amount of black top going down and the size of the building. Reed stated that the size of the parking lot is the size it is, to conform with the local zoning law. Abdallah stated that within Dollar General standards the parking lot needs to be about 30-35 spaces but the town zoning law doesn't give provisions so that is why the applicant is proposing 54 spaces to be compliant. Reed stated that they would like to work with the community and if that means changing the landscaping or doing a stone wall, they would look into doing that.

Abdallah stated that he will come back to the board with a landscape plan.

Abdallah provided the board with a letter from the APA with a jurisdictional letter (attached to the minutes).

Abdallah provided the board with notice from the office of preservation (attached to the minutes). Abdallah stated that he has gone to the NYS Natural Heritage Program in regards to the sand darter and as soon as he gets a response, he will provide that to the board.

Gordon stated that the board is requesting a long form SEQR. Abdallah stated that per the Department of Environmental Control (DEC) the short form was recommended. Unless the applicant is reaching thresholds, they do not need a long form. Abdallah stated that they are not near those thresholds.

Gordon asked for clarification on the acreage of the lot before and after the subdivision. Gordon stated that the acreage on the SEQR is not correct. Gordon asked if the SEQR is for the total property or the part they would like to develop. Abdallah stated that it represents both and covers both applications.

Gordon asked if the board had any questions. No questions.

Gordon stated that due to the complexity of this project, the board needs all information submitted to them. Once the information is submitted, the board can review again and then a public hearing could be set for a future date.

Discussion followed in regards to what the applicant needed to provide the board with. The board agreed that the applicant needs to come back with the following: a letter from Mr. Long stating you have permission to talk on his behalf, redacted items, site plan, and documentation from DOT from their report.

Abdallah stated that he would like the board to consider a public hearing so they can answer the public's questions. Pulsifer stated that the planning board does not have to schedule a public hearing at this time, as the applicant has not provided the board with all of the information required.

Abdallah asked what it takes to get a preliminary approval. Abdallah went on further to explain that he would not have all of this information to supply these documents unless he has a preliminary approval. Sucharzewski stated that the board does not really know who owns the property. Gilliland stated that with the restrictions on the property the board is not able to approve anything until the board knows about the restrictions.

Pulsifer agreed that right now, the deed is an issue and that the board cannot make a decision based on the deed the board was provided.

Abdallah stated that the applicant has submitted a purchase arrangement with the current owner with the restrictions to be lifted. Sucharzewski asked how the applicant could subdivide the land if they do not own it.

Gordon stated that the board has nothing on file stating that Seville Development, LLC can speak for the property owners. Gordon stated that the board couldn't act on the site plan review because the board does not know what the size of the building is going to be.

Reed stated that most Dollar General stores are roughly 8,400 square feet.

A motion was made by Charbonneau to table the site plan approval until the board has received the requested information from the applicant, seconded by Minessale. Roll call: Minessale, King, Charbonneau, Dwyer, Gilliland, Sucharzewski, Gordon. All in favor and motion carried.

Jay Cohen – 18 Cayuga Place – 11.13-1-52.000 – RL-1 – 30’x40’ Garage with upstairs living space

Gordon asked Jeffrey Bigelow if he would like to speak in regards to the Cohen project. Bigelow provided documentation that he could speak on behalf of the applicant (see attached to minutes). Bigelow stated that he went to the Zoning Board of Appeals and received a backyard variance and side variances. At the public hearing, there were no public comments. Bigelow stated that there were four restrictions on the deed but that were all cleared up. Bigelow stated that there will be a frost wall, one bathroom on the bottom floor and then upstairs will be living space but that won't be finished right away. Bigelow stated that he needed to stay 15' away from the power lines per NYSEG.

Sucharzewski asked how many bedrooms for the septic design. Bigelow stated that it is 1,000-gallon tank so it is good for two bedrooms. Gordon read the motion from the ZBA's minutes for this project. Gordon asked if the board had any questions or if Pulsifer had any comments.

Pulsifer stated that it is a unique piece of property and that it is within 500' of the lakeshore, which will require this project to go to the APA. Bigelow asked if the 500' was to the building or the property line. Pulsifer stated that it is to the property line. ***A motion was made by King to approve the site plan approval for the 30’x40’ garage, seconded by Charbonneau. Roll call: Minessale, King, Charbonneau, Dwyer, Gilliland, Sucharzewski, Gordon. All in favor and motion carried.***

Art Auch – 514 Point Road – 21.13-3-7.000 – RL-1 – New garage to replace old garage.

Gordon stated that due to the email from the previous chairperson of ZBA, the planning board sent this application to the ZBA due to the confusion on the front yard versus the back yard. There were not any representatives for this project present. Gordon states he apologizes for an inconvenience that this has caused for the applicant and the contractor. Gordon stated that this project is within 500' of the high-water mark and it does meet the side yard setback requirements. Gordon asked if any board members had any questions. No questions. Gilliland abstained. ***A motion was made by Charbonneau to approve the site plan application to build a new garage to replace the old garage, seconded by Minessale. Roll call: Minessale, King, Charbonneau, Dwyer, Sucharzewski, Gordon. All in favor and motion carried.***

Pete Sowizdrzal asked if he could comment in regards to the email that was sent by the previous chair of the ZBA. Sowizdrzal stated he is the new chair for the ZBA and he stated that when the comment was made on what the rules and regulations was based on when they designed the new zoning regulations. Sowizdrzal stated that some of the zoning law was copied and pasted as they were running out of resources to continue to review the zoning law. Sowizdrzal stated that if you look at the regulation, the regulation above it in section 3 states that you can have it in your front

yard as long as it is on shoreline property and the next category that she referenced stated that you can't have an accessory building in the front yard. Sowizdrzal stated that the ZBA changed the determination of it so that all the waterfront properties can have an accessory structure in the front yard. Sowizdrzal wanted to attend this meeting to clarify what happened and let everyone know what transpired. Gordon and Sowizdrzal are on the same page moving forward.

Public Hearing: No public hearing.

New Business:

Patricia Schwennker – 21 Pumphouse Lane – 21.17-1-18.200 – RL-1 – Build single family home (3 bedroom); 1 ½ story home with walkout basement

Gordon stated that there are not any representatives present for Schwennker. Gordon stated that he went to the site and went over the project with Schwennker before her departure and at the time he did not see any concerns with the project but he had not seen the application yet.

Gordon asked Pulsifer to confirm whether this project needed to go through the SEQR process or not. Pulsifer confirmed that it did not as it is residential.

Charbonneau stated that on the application it states one and a half stories but from the photo provided in the application it looks like its more. Gordon stated he agreed and that it is more like two and a half stories and with the APA regulations, the structure will need to be under 34' and that is including chimneys.

Sucharzewski asked if this would be land locked and if there is access to the road.

Gordon stated that it does meet the lot size but he doesn't see in the application where there are dimensions of the structure so it's difficult to determine if its under the 15%. Gordon stated that there were not any building elevations listed in the application. Gordon re-stated that he thinks this is a two and a half story home and is not sure if it is under the 35' height limit. To answer Sucharzewski's question, Gordon stated that per the county website, this is land locked, currently. One parcel is her property on one side and on the other side, Sam Blanchard owns.

A motion was made by Charbonneau to have the CEO contact the application and advise what is needed to complete the application, seconded by King. Roll call: Minessale, King, Charbonneau, Dwyer, Gilliland, Sucharzewski, Gordon. All in favor and motion carried.

John W. Sheehan & Son's/Maura & Mick Ray – 68 Lakeshore Drive – 21.14-2-17.000 – RL-1 – Replace existing piers under house with a new foundation

Trisha Sheehan provided the board with a letter from the land owners stated that she could speak on their behalf. Sheehan stated that they are going to be lifting the existing structure to replace the piers. Sheehan stated that the height of the building would not change. Sheehan stated depending on cost, they may do 8' walls or 9' walls and the owners would like a full foundation rather than new piers. Discussion followed.

A motion was made by Charbonneau, seconded by Minessale to approve the site plan review to replace the piers with a new foundation with the existing structure staying the same height. Roll call: Minessale, King, Charbonneau, Dwyer, Gilliland, Sucharzewski, Gordon. All in favor and motion carried.

Gratitude for Wellness, LLC – 3926 NYS Route 22 – 31.9-1-1.200 – HC-1 – Minor Subdivision

Pulsifer stated that in this situation a preliminary site plan approval is necessary so the applicant isn't spending money on the sub division if it's not going to be approved. Discussion followed in regards to a minor subdivision. ***A motion was made by Charbonneau, seconded by King to approve the minor subdivision of this parcel. Roll call: Minessale, King, Charbonneau, Dwyer, Gilliland, Sucharzewski, Gordon. All in favor and motion carried.***

Sucharzewski asked if the applicant had any elevations of the building and what it is going to look like. For the preliminary site plan review, Pulsifer stated that there is not a building being proposed. This preliminary site plan review for a specific structure. Sucharzewski asked what the proposed use would be. Rebecca Palmer stated that it would be the new Gratitude for Wellness location, as the applicants would like to remove Gratitude for Wellness out of the residential area that they are in currently with the special use permit they obtained. Palmer stated that it would be a ranch style building with a garage and office space. Gordon asked if they would need to remove any trees. Palmer stated that there is some wooded area but a lot of it is brush. Palmer stated on the west side of the property line is really all cleared and that goes into the vegetable garden for Old Orchard. Palmer confirmed that it would remain woods on the north and east side and in between the existing building out front.

Gordon asked the CEO if they need a DOT application for the new driveway. Pulsifer stated that they will need to complete a highway permit application as a new culvert may be needed etc.

Gordon requested that if the applicants are going to be cutting down trees that they plant shrubs in front of the existing blue building.

A motion was made by Charbonneau to approve the preliminary site plan review & follow up with the CEO in regards to the DOT application as well as a SEQR, seconded by Sucharzewski. Roll call: Minessale, King, Charbonneau, Dwyer, Gilliland, Sucharzewski, Gordon. All in favor and motion carried.

John W Sheehan & Son's/Cathy & Karl Hoffman – 26 Lakeshore Drive – 21.13-2-48.000 – RL-1 – Retaining wall and new frost wall foundation

Trisha Sheehan provided documentation from the owner stating she and Doug Ferris are able to speak on their behalf. For this project, they need to jack up the existing structure to replace the foundation with a new frost wall foundation. Currently the northwest corner is in the dirt. Sheehan stated that the existing structure will be 1' higher but they are still under the 35' mark. The existing stonewall is deteriorated and the applicant would like to be in compliance with a new stone retaining wall. ***A motion was made by Sucharzewski, seconded by Charbonneau to approve the site plan application for the foundation work and for the retaining wall with stipulations that we***

wait for the APA approval or disapproval. Roll call: Minessale, King, Charbonneau, Dwyer, Gilliland, Sucharzewski, Gordon. All in favor and motion carried.

Gordon requested from the attorney a training session. Gordon explained to the attorney that we have a very new planning board and would like training to be available to the members. Gordon asked if the members of the board would prefer in person training or virtual. Board agreed that virtual would work best. Gordon stated that he will ask the town board for approval for Morgan Denton, planning board secretary and Terry Pulsifer, CEO, to attend these trainings as well. Gordon stated that there would be two – two-hour sessions. King asked how long it takes the attorney to put these together. Gordon stated that he believes these trainings are already put together.

Gordon stated that he has gone through and presented Pulsifer with a checklist to assist applicants in what the board needs to see in order for it to be a complete application. This checklist is in its preliminary stage and will be reviewed.

Gordon stated that if the commercial building moratorium is passed by the town board that Gordon has asked Larry Charbonneau to represent the planning board on the review committee for the commercial building moratorium. Gordon asked the planning board to review the zoning law and if there are things that may not make sense, misspellings, definitions etc. to flag them and bring them to Charbonneau's attention and he can relay to that committee.

Sucharsewski asked if the moratorium is voted to take place, if it stalls all commercial projects and for how long. Gordon stated that it would stall all new commercial building projects and the town board could put the moratorium in place for 6 months or 12 months.

Sucharsewski asked if a moratorium was the only way for the zoning law to be reviewed and changed. Gordon stated that he doesn't believe this is the only way but that is the way the town board proceeded. Pulsifer did state that there are a lot of grey areas in the zoning law. Gordon stated that the committee would review and re-write the zoning law, present it to the town board to approve and then it would need to be stamped by secretary of state, DEC and APA. Sucharsewski asked if this could be a couple year process. Pulsifer stated that it gets very expensive and that he believes there would be a time limit on the process.

Gordon restated that if any of the planning board members have things that they would like looked at or changed in the zoning law to write them down and get them to Morgan Denton and she will file a pile and get it to Larry Charbonneau to bring to the committee.

Gordon thanked all the members of the planning board for their dedication and time to the board.

A motion was made by Charbonneau, seconded by Minessale to adjourn the meeting at 8:03pm.

Respectfully Submitted,

Morgan Denton
Secretary for Planning and Zoning Board

DECISION FORM:

BOARD:	Planning Board
DATE OF MEETING:	January 25, 2022
APPLICATION NUMBER:	99Z/P
NAME:	Jay Cohen
PROJECT ADDRESS:	18 Cayuga Place
TAX MAP NUMBER:	11.13-1-52.000
REQUEST FOR APPLICATION FOR:	30'x40' Garage with upstairs living space

PROPOSED MOTION:	<i>A motion was made to approve the site plan approval for the 30'x40' garage.</i>			
MOTION MADE BY:	Brian King			
MOTION SECONDED BY:	Larry Charbonneau			
MEMBER VOTE:	MEMBER NAME:	YES	NO	NOTES
	Gregory Gordon	X		
	John Sucharzewski	X		
	Brian King	X		
	Chauntel Gilliland	X		
	Gina Minessale	X		
	Larry Charbonneau	X		
	R. Andre Klein	-	-	Excused
	Tom Dwyer (Alternate)	X		
SIGNATURE OF PLANNING CHAIRMAN:				

DECISION FORM:

BOARD:	Planning Board
DATE OF MEETING:	January 25, 2022
APPLICATION NUMBER:	102Z/P
NAME:	Art Auch
PROJECT ADDRESS:	514 Point Road
TAX MAP NUMBER:	21.13-3-7.000
REQUEST FOR APPLICATION FOR:	New garage to replace old garage

PROPOSED MOTION:	<i>A motion was made to approve the site plan application for a new garage to replace the old garage.</i>			
MOTION MADE BY:	Larry Charbonneau			
MOTION SECONDED BY:	Gina Minessale			
MEMBER VOTE:	MEMBER NAME:	YES	NO	NOTES
	Gregory Gordon	X		
	John Sucharzewski	X		
	Brian King	X		
	Chauntel Gilliland	X		
	Gina Minessale	-	-	Abstained
	Larry Charbonneau	X		
	R. Andre Klein	-	-	Excused
	Tom Dwyer (Alternate)	X		
SIGNATURE OF PLANNING CHAIRMAN:				

DECISION FORM:

BOARD:	Planning Board
DATE OF MEETING:	January 25, 2022
APPLICATION NUMBER:	105P
NAME:	John W Sheehan & Sons/Maura & Mick Ray
PROJECT ADDRESS:	68 Lakeshore Drive
TAX MAP NUMBER:	21.14-2-17.000
REQUEST FOR APPLICATION FOR:	Replace existing piers under house with a new foundation

PROPOSED MOTION:	<i>A motion was made to approve the site plan review to replace the piers with a new foundation with the existing structure staying the same height.</i>			
MOTION MADE BY:	Larry Charbonneau			
MOTION SECONDED BY:	Gina Minessale			
MEMBER VOTE:	MEMBER NAME:	YES	NO	NOTES
	Gregory Gordon	X		
	John Sucharzewski	X		
	Brian King	X		
	Chauntel Gilliland	X		
	Gina Minessale	X		
	Larry Charbonneau	X		
	R. Andre Klein	-	-	Excused
	Tom Dwyer (Alternate)	X		
SIGNATURE OF PLANNING CHAIRMAN:				

DECISION FORM:

BOARD:	Planning Board
DATE OF MEETING:	January 25, 2022
APPLICATION NUMBER:	106P
NAME:	Gratitude for Wellness, LLC
PROJECT ADDRESS:	3926 NYS Route 22
TAX MAP NUMBER:	31.9-1-1.200
REQUEST FOR APPLICATION FOR:	Minor Subdivision

PROPOSED MOTION:	<i>A motion was made to approve the minor subdivision of this parcel.</i>			
MOTION MADE BY:	Larry Charbonneau			
MOTION SECONDED BY:	Brian King			
MEMBER VOTE:	MEMBER NAME:	YES	NO	NOTES
	Gregory Gordon	X		
	John Sucharzewski	X		
	Brian King	X		
	Chauntel Gilliland	X		
	Gina Minessale	X		
	Larry Charbonneau	X		
	R. Andre Klein	-	-	Excused
	Tom Dwyer (Alternate)	X		
SIGNATURE OF PLANNING CHAIRMAN:				

DECISION FORM:

BOARD:	Planning Board
DATE OF MEETING:	January 25, 2022
APPLICATION NUMBER:	107P
NAME:	John W Sheehan & Son's/Cathy & Karl Hoffman
PROJECT ADDRESS:	26 Lakeshore Drive
TAX MAP NUMBER:	21.13-2-48.000
REQUEST FOR APPLICATION FOR:	Retaining wall & new frost wall foundation

PROPOSED MOTION:	<i>A motion was made approve the site plan application for the foundation work and for the retaining wall with stipulations that we wait for the APA approval or disapproval.</i>			
MOTION MADE BY:	John Sucharsewski			
MOTION SECONDED BY:	Larry Charbonneau			
MEMBER VOTE:	MEMBER NAME:	YES	NO	NOTES
	Gregory Gordon	X		
	John Sucharzewski	X		
	Brian King	X		
	Chauntel Gilliland	X		
	Gina Minessale	X		
	Larry Charbonneau	X		
	R. Andre Klein	-	-	Excused
	Tom Dwyer (Alternate)	X		
SIGNATURE OF PLANNING CHAIRMAN:				