



TOWN OF WILLSBORO
PLANNING BOARD

MINUTES
PLANNING BOARD MEETING
DATE: October 26th, 2021 at 6:00 PM
LOCATION: Willsboro Town Hall

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

Excused: Brian King

Absent: John Sucharzewski

Members of the Public: Gary Doty, Barbara Doty, Peter Paine, Maureen Moynan, Chuck Moynan, Rob Bruno, Carrie Foley, Hannah Carson, Cathy Morin, Ghislain Gagne, Christine Benedict, John Niles, Hannah Neilly, Jeffrey Bigelow, Tammy Bigelow, Lucas Ashline, Randy Ashline, Keith Bigelow, Brian Pytlak, Cindy Pytlak, Jacqueline White

Chairman Gregory Gordon called the meeting to order at 6:00pm and welcomed members of the public.

Gordon stated that from now on, the Planning Board will be doing a roll call on items that need to be passed.

MINUTES:

The September 2021 minutes were approved as presented.

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

PUBLIC HEARING CONTINUATION:

Gordon reviewed the ground rules. For anyone who would like to speak and did not at the September 29th meeting followed by anyone who spoke at the September 29th meeting who has new information or comments for this board. We are not here to rehash the information from the previous meeting. The public hearing is not a question-and-answer session but an opportunity for the public to give their comments to the Planning Board. The time limits will be 10 minutes per person. At that time the public hearing will be closed and the Planning Board will discuss the project. Please remember to respect all parties involved and the following are not allowed; obscenities, foul language, rude gestures, personal attacks or rude or slanderous remarks. Anyone

who is disorderly which is defined as anyone who interrupts, refuses to seed the floor or insist on making access competitive remarks the person will be asked to leave the building.

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

Gordon resumed the public hearing.

Mr. Bruno stated that he met with Carol DeMello when this was brought to his attention and he looked into it. Bruno stated that he did time on the Zoning Board of Appeals (ZBA) and was involved with the re-write of the book. Bruno wants to see the right thing being done and is not trying to throw stones. Bruno stated that he sees that the wrong thing is being done. If you go by the book and the rules, this is not an accepted practice in the RM-2 and going by your rules you cannot use a special use permit – that is not the intent of the special use permit; it is not to give you power to grant use in a district that doesn't allow that use. It is something that needs to go in front of the ZBA for a special use variance. Bruno stated that he believes that the ZBA would be in agreement with Bruno.

Gordon asked if anyone else had any comments. No one spoke.

Gordon closed the public hearing for the special use permit at 6:06pm.

Mrs. White asked for Gordon to stated how many written comments we received in regards to the Benedict project. Gordon stated we have received an additional 7.

Jeffrey Bigelow asked who Mrs. White was and if she was a member of the Planning Board. Gordon stated that she is the town attorney.

Gordon stated that the project did go to the Essex County Planning Board for the site plan review. We do have a couple of their minutes and we will submit to the record. Gordon read the letter that was included with the minutes we received. Gordon stated that we should review the SEQR document and Mrs. White will review this with us.

Mrs. White stated the members of the Planning Board were all provided the Short Environmental Assessment Form and to move forward with the review under the NYS Environmental Quality Review Act we need to walk through Part 2. There are a total of 11 questions to answers. For each question you need to determine if no to small impact may occur or if moderate to large impact may occur in results of the project. Mrs. White went through all 11 questions with the Planning Board. All answers were no to small impact except for questions 2, which was answered with moderate to large impact may occur. Mrs. White instructed the Planning Board to then review Part 3 as they answered question 2 as moderate to large impact may occur. Mrs. White read Part 3 and stated that the Planning Board should set forth in detail the impact and any measures or design elements that have been included that limit the impact. The ultimate goal here is to determine if based upon the information in your analysis the proposed action may result in one or more potentially large or significant adverse impacts an environmental impact statement is required or you will be determining based upon the information in your analysis that the proposed action may not result in any significant adverse environmental impacts. Mrs. White stated that the Planning Board should analyze question 2 and Gordon stated it is open for discussion on the board. Mrs. White stated that some things the Board could discuss would be how the intensity of the use is going to change and if you

think there are any mitigating measures that are going to assist that change. Gordon stated that you are taking a vacant lot and putting a building on it. With that, the information we have presented to us, is that any water situation or issue with the buildings being there has been remediated with drainage that is being taken away from the property. Other than having the structures there, where there once was a wood lot, the drainage has been addressed. The water that is collected is flowing towards Route 22 and out the way it was intentionally discussed in the plans.

Gordon asked if there were any other comments. Ms. Neilly asked if there had been an Adirondack Park Agency (APA) permit issued. Gordon stated that he wasn't sure if there was one or if it was required. Ms. Neilly stated that if you go to the DEC resource mapper it states that it is so many feet from the wetlands. Ms. Neilly stated that she had to go through the APA process personally and the APA will address any issues with drainage. Gordon asked Mrs. Benedict if she knew if she submitted an APA permit and if it went through the APA. Mrs. Benedict stated that she did give a copy of the letter from the APA back at the May meeting. Gordon stated that it was done March 24, 2014 from the APA. Gordon asked if there were any other comments. Mr. Bigelow wanted to comment and Mrs. White and Gordon stated that it is comments from the Board not the public. Gordon stated that the public was given the opportunity to speak at the beginning of the meeting while the public hearing was still open. Mr. Bigelow asked if the public could comment on what was just read and Gordon stated that it is up for the Board to discuss and comment. Mrs. Bigelow asked if the board was taking into account any of the feelings of the people around this. Gordon stated that we have already taken into account those comments and those comments and concerns are in the minutes that were approved for the September meeting. Gordon asked if the Board had any additional comments. Charbonneau and Minessale stated they did not. Mrs. White stated that they now need to adopt a positive declaration or a negative declaration. Mrs. White read the statements from the Short Environmental Assessment Form Part 3. ***Gordon made a motion that we have a negative declaration and no significant, seconded by Charbonneau. Roll call: Gilliland, Minessale, Charbonneau, Klein, Dwyer, Gordon. All in favor, motion carried.***

Gordon stated that the Board needs to discuss the project and asked if any of the Board members have any comments or concerns. Charbonneau stated that he does not have any comments or concerns. Gilliland clarified whether the Board was discussing the public comments from last meeting or discussing the project. Gordon stated that we are discussing whether we are going to approve the special use permit. Gilliland stated that she wanted to address Mr. Bruno's concern in regards to the ZBA. Mrs. Gilliland stated that she believes that has been to the ZBA. Gordon stated that everything we have received for this project came from the Code Enforcement Officer (CEO) and this what we have to base our decision on. Gordon stated that the site plan review was approved and then the special use permit. Klein commented that the nature of the buildings resemble that which may residential homeowners may put on their own residential properties; barns, storage buildings. Jeffrey Bigelow asked if they are metal and Klein believed they were metal sided. Gordon asked Mrs. White if the Board was able to take comments from the public. Mrs. White stated that it was up to Gordon. Gordon called on Mr. Bruno. Mr. Bruno stated that he doesn't understand that the Board is not acknowledging that you don't have right to use a special use permit this way. Mr. Bruno stated that this is not how a special use permit is used and it doesn't give the Board the right to allow use in a district that doesn't allow it. Mr. Bruno stated that it is against the book and that the Board is subject to Article 78. Mr. Bruno stated that all the applicant needs to do it keep the buildings in the HC1 and its legal and a special use permit is not how its intended. Mr. Bruno stated that the Board doesn't have the power to grant a special use permit anywhere you want in the town and the Board is obligated to follow the ordinance. Gordon asked Mrs. White to weigh in. Mrs. White stated that it is up to the Board on how they would like to proceed and the CEO is not present this evening and we have confirmed with him that he has not changed his opinion and

determination that a special use permit is required for this project. Mrs. White stated that this is what his determination is and this is what he has indicated how the applicant should proceed. Mrs. White stated the CEO indicated that it was his interpretation of the code and that there was precedent based on a 2017 project that his predecessor, not for the same district, but similar situated. Mrs. Bigelow stated a precedence was set before this with Mr. and Mrs. Palmer, three people said no and the project was turned down completely.

Gordon asked the Board if there was any change in their decisions. Charbonneau stated that he did not have any change in his decision. Charbonneau stated that if the CEO is stating that the ball is in our court to make a decision with what we are provided with then that's what we have to do.

Mr. Bruno stated that the Board is their own board and that the Board is not obligated to follow him off the cliff. Mr. Bruno stated that if he makes the wrong decision the board can set him straight and the ZBA is there specifically to set him straight because he does not know this like the ZBA does and that is their purpose is to interpret and rule on his mistakes that are brought to attention and this is a big mistake and you have the ability right here in front of you to correct this easily and just put it in the HC1 and this isn't a special use permit, you don't have that right, it is a special use variance. Mr. Bruno stated that in order for the applicant to put this in RM2 it is a use variance not a special use permit and you will lose that in court and it will go there.

Mr. Ashline stated that Mr. Pulsifer led the Board astray with the map thing and that there is a question about the percentage of residential versus commercial and that one of the members of the public brought up last meeting that it was in error and he stated that the Board continues to take the word of the CEO but there are people here that disagree. Mr. Ashline stated that there is the driveway issue and like Mr. Bruno said, he led you astray once and he made a comment that he took responsibility but Mr. Ashline questions whether he has been held responsible and then Mr. Ashline stated that if the board follows whatever he is doing, his approval of this, then you people can be held responsible too and you should be. Mr. Ashline stated that at the beginning of the meeting Gordon stated that if name-calling were to happen, the meeting would be stopped and you did that in September and Mr. Ashline stated that he is making a statement that he would assume that the name-calling rule would apply in the August 24th meeting and he stated that Gordon referred to residence as complainers and states that that is name-calling. Gordon states that the rules that he brought up when he became chairman were for the last meeting and Gordon apologizes if anyone took offense to the August meeting but that is not what we are here to discuss. Mrs. Bigelow stated that Gordon made fun of the residence and that she would play the recording. Gordon stated that Mrs. Bigelow does not need to play the recording and Mrs. Bigelow stated that that the percentage is 62.5% residential and if you take the driveway out that makes it about 80-20. Gordon asked for recommendations from the council. Mrs. Bigelow asked if she could ask one more question from the attorney and Mrs. White informed her that she does not answers questions from the public only from the Board. Mrs. Bigelow then asked if she could ask Chairman Gordon a question and Gordon stated she could. Mrs. Bigelow asked if the Board approves this, the step is to go to the Zoning Board of Appeals and Gordon stated that he is not sure at this point and Mrs. Bigelow stated that with an attorney they would be going to the ZBA and Gordon stated if that's what Mrs. Bigelow would like to do. Mrs. Bigelow asked if she had that right. Mrs. White stated again she cannot give legal advice. Mr. Bruno spoke up and stated that Mrs. Bigelow does but it won't be to the ZBA and that it will go to the supreme court.

Gordon asked if there were any comments from the Board members. Gordon asked if the Board members are in favor of this project. Gilliland asked if they are taking an official vote and Gordon stated that he is trying to figure out if he is going to read a resolution or if the Board is going to table this or going to forward it. Minessale stated that it seems like there is a lot of conflict and how do we move forward with that when half of the people live near it are against it and it is really hard

to move forward and Minessale stated that given all of the information that we were given. Gilliland stated that she has not seen any convincing information that would change her vote on this issue but she does not want to put the town with any legal issues and she has not seen anything terribly convincing to change her vote. Mrs. Benedict stated that she thought the public hearing portion was over and Gordon confirmed. Klein stated that he agrees 100% with Gilliland. Gilliland stated that if there is any major concerns that anyone would like to raise their hand about she will take it into consideration otherwise none of the specifics have changed her vote. Dwyer stated that if we are going down the path of the special use permit, he agrees with Gilliland, there are four things in here that it needs to be a good compelling argument and if you don't have one that we almost have to approve it and he stated that he was looking at article 15 and that the CEO makes the decision on this and maybe we should table this until the CEO is present. John Niles, representing Mrs. Benedict, stated that it seems to him like this matter is ready for a vote no matter what others are feeling or saying about it needing to go to the ZBA and Mr. Niles stated that he does not believe it needs to go to the ZBA but he carries no weight here but you make the decisions and it shouldn't be tabled. Mr. Niles stated that either way they go with this project there is going to be an article 78. Mr. Niles stated that he feels this project should go to a vote. Mr. Bigelow made a comment that if this were the backyard of the members of the Board, they wouldn't want to look at it either and that he has had a backyard for 33 years and that this is a no brainer. Gordon stated that he has already made comments about this. Mr. Ashline stated that he listened to all three audios from the May, August and September meetings and he mentioned that one referenced the water drainage and he couldn't help by notice that someone said that there was some tremendous about of drainage. The only drainage that the residence have seen is on the outside of the two proposed buildings and in between the two buildings for water runoff from the roofs of the buildings and he believes that someone made a statement to imply that there is drainage all around the property and that is not true and there is some drainage that goes to the driveway to the southeast. Mrs. Bigelow stated that there is no drainage and that there is one drain underneath where one building is going to go and another under the other building and it goes towards the Essex Road. Gordon stated that we all have the plans. Mrs. Bigelow stated that Gordon stated that there was drainage around the whole property and that there isn't. Gordon asked if there were any other comments from the Board. There were no other comments. Gordon read the following resolution:

**TOWN OF WILLSBORO
SPECIAL USE PERMIT AND SITE PLAN APPROVAL APPLICATIONS FOR
PROPERTY LOCATED AT
3647 ESSEX ROAD, TOWN OF WILLSBORO NEW YORK**

WHEREAS, Robert and Christine Benedict made an application to the Town of Willsboro Planning Board for site plan approval for the construction of two self-storage units on property located 3647 Essex Road and identified as Tax Map Parcel No. 31.13-6-9.110 (the "Property"), and

WHEREAS, the Planning Board carefully considered the Site Plan Application

and approved the Site Plan on May 25, 2021; and

WHEREAS, the Planning Board understands that thereafter the Code Enforcement Officer discovered that the project was proposed to be located in both the HC-1 and RM-2 Zoning Districts (as opposed to only the HC-1 District where the project was permitted as of right) and, as a result, the proposed project would require a Special Use Permit in order to proceed as planned; and

WHEREAS, applicants filed a Special Use Permit Application for the project dated August 10, 2021; and

WHEREAS, a Public Hearing was duly noticed and held on September 28, 2021 and held open until closed on October 26, 2021, at which times the public had an opportunity to be heard on the application; and

WHEREAS, referral was made to the Essex County Planning Board pursuant to General Municipal Law Section 239-m and the Planning Board determined the project had no County impact and made no comments or recommendations; and

WHEREAS, this is an Unlisted Action pursuant to the New York State Environmental Quality Review Act and the Planning Board has undertaken SEQRA review and adopted a Negative Declaration; and

WHEREAS, the Planning Board has carefully considered the Special Use Permit requirements under Article 14 of the Town of Willsboro Zoning Law and has determined in its judgment, that the proposed project is consistent with the health, safety and welfare of the community and is in harmony with the districts in which it will be located; specifically (1) the location and size of the use is appropriate for the lot and the district,

(2) limited traffic will be generated and the character and intensity of the traffic is consistent with the districts in which the project is located, (3) the location, nature and size of the structures will not discourage or impair development on and values of adjacent lands and buildings; (4) there will be no parking issues created and no traffic congestion or traffic hazards will result; and

NOW, THEREFORE, BE IT

RESOLVED, that the Planning Board readopts and reaffirms its site plan approval initially granted for the project on May 25, 2021 and hereby incorporates the Planning Board's previous findings as related to the May 25th site plan approval;

RESOLVED, that the Planning Board approves the Special Use Permit for the project as presented with the following conditions:

- 1) The self-storage units and their specific locations shall be limited to the two buildings identified as "Building 1" and "Building 2" as set forth on the site plan filed with the Special Use Permit application;
- 2) The forty-foot-wide tree buffer on the rear lot line of the parcel must be maintained;

Duly adopted this 26 day of October, 2021, by the following vote:

AYES: Gilliland, Minessale, Charbonneau, Klein, Dwyer, Gordon

NOES:

RECUSED:

ABSENT:

NEW BUSINESS:

Kevin Hall/Peter Paine – 140 Point Road & 135 River Road – 31.9-1-56 & 31.10-1-1.002 – RL-5 – Minor Subdivision

Gordon stated that what was presented in the application was a minor subdivision but isn't quite true but it's the form that needs to be used – it is a line boundary adjustment. Mr. Paine is proposing to donate to the gold course to his three children as part of an assurance to the town that the next generation will continue to lease to the town and in doing so over the years they there were very small additions to the gold course when they extended the 4th tee and the 6th tee, to accurately reflect what is going to be conveyed to the partners and lease of the golf course we need to make this minor adjustment and there will then be a subdivision of that from the Red Barn parcel to the town. Gordon stated that it is a boundary line adjustment and Mr. Paine provided larger maps to the Board for their review. Klein stated that essentially Mr. Paine is correcting encroachments. Gordon stated that it does not have any effect on the square footage of either lot and both owned by the same party. Gordon stated asked if there are any questions. ***Charbonneau made a motion to approve the boundary line adjustment, seconded by Klein. Roll call: Gilliland, Minesalle, Charbonneau, Klein, Dwyer, Gordon. All in favor, motion carried.***

Cathy Morin – 179 Corlear Drive – 21.5-1-41.00-RL-1 – Accessory Building 24'x16'

Gordon stated that she went through the process for a building permit and stated that we are awaiting to hear from the APA. Mrs. Morin stated that they need a space to put their belongings in while doing the renovations on their home but will be a permanent fixture. Gordon stated that the CEO stated that it would be where the fabric shed is but its going to be moved off the property line and the reason it is brought to the Planning Board is due to the size of the shed but also because of the footings and the other part is that they need the shed done first before they can do anything with the septic and the rest of the building. Mrs. Morin stated that its easier to do the slab before they have the mound for the septic. Gordon asked if anyone had questions. Gordon clarified for the board that anything on the lake frontage, the front yard is the lake front and the back yard is the street side. ***Charbonneau made a motion to approve the 24'x16' accessory building based on the plans, seconded by Minessale. Roll call: Gilliland, Minessale, Charbonneau, Klein, Dwyer, Gordon. All in favor, motion carried.***

A motion was made by Charbonneau, seconded by Minessale to adjourn the meeting at 6:47pm.

Respectfully Submitted,

Morgan Denton
Secretary for Planning and Zoning Board

DECISION FORM:

BOARD:	Planning Board
DATE OF MEETING:	October 26, 2021
APPLICATION NUMBER:	96P
NAME:	Kevin Hall/Peter Paine
PROJECT ADDRESS:	140 Point Rd & 135 River Rd
TAX MAP NUMBER:	31.9-1-56 & 31.10-1-1.002
REQUEST FOR APPLICATION FOR:	Minor Subdivision/Boundary Line Adjustment

PROPOSED MOTION:	<i>A motion was made to approve the boundary line adjustment.</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)	X		
SIGNATURE OF PLANNING CHAIRMAN:				

DECISION FORM:

BOARD:	Planning Board
DATE OF MEETING:	October 26, 2021
APPLICATION NUMBER:	97P
NAME:	Cathy Morin
PROJECT ADDRESS:	179 Corlear Drive
TAX MAP NUMBER:	21.5-1-41.00
REQUEST FOR APPLICATION FOR:	Accessory Building 24'x16'

PROPOSED MOTION:	<i>A motion was made to approve the 24'x16' accessory building based on the plans submitted.</i>			
MOTION MADE BY:	Larry Charbonneau			
MOTION SECONDED BY:	Gina Minessale			
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)	X		
SIGNATURE OF PLANNING CHAIRMAN:				