



TOWN OF WILLSBORO
PLANNING BOARD

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

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

Excused: Brian King

Absent: John Sucharzewski

Members of the Public: Dereck Crowningshield, Vijay Khurana, Jurbjit Singh, Theresa Sayward, Can Calkins, Mark LaFountain, Lucas Pierce, Yvonne Pierce, Brianna Pierce, Jason Sweatt

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

Gordon thanked Larry Charbonneau for running November's meeting.

Minutes:

The November 2021 minutes were approved as presented.

A motion was made by Charbonneau and seconded by Klein to approve the November 23rd, 2021 minutes as presented. Roll call: Dwyer, Charbonneau, Gilliland, Minessale, Klein, Gordon. All in favor and motion carried.

Old Business:

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

No one present for application. Tabled for another 30 days.

Public Hearing: No public hearing.

New Business:

Dereck Crowningshield/Arthur Auch Trust – 514 Point Road – 21.13-3-7.000 – RL-1 – New garage to replace old one

Greg Gordon asked Dereck Crowningshield to describe the project. Crowningshield stated that he would be tearing down the existing garage that is non-conforming and they are going to pull it away from the property line to make it more conforming. The new structure will not be heated and will be just a garage. Gordon asked if there were any comments from the board members. Gordon stated that this property is within 500' of the high-water mark and they will meet the side yard setback. However, unfortunately, there is still a discrepancy on the definition on the front yard vs the backyard in regards to waterfront properties. Gordon stated that he received an email after the October meeting in which the Planning Board approved a shed in what Gordon always thought was the backyard but the chairperson of the Zoning Board of Appeals has tried to clarify. Gordon stated that it was apparently in the old zoning but left out on the 2015 re-write. Gordon stated that the only ones that can approve this that is the Town Board. Gordon stated that we could approve this application as written or send it to the ZBA for a zoning variance. Gordon stated that it would be Article 5 General Supplemental Regulations Section 5.50 Accessory Use Section 5.51 Accessory Buildings #3 is the part that Gordon and others read and there is a different interpretation.

Crowningshield asked if the zoning law says anything about taking down an existing structure and putting the structure back in the same spot. Gordon stated that the new structure is not going back in the same spot. Crowningshield said that it is going to be in the same spot – just a 10' difference to get it off the property line. Gordon stated again that it is not the exact same spot. Crowningshield stated that they could put the garage back in the exact same spot but it would not be conforming. Gordon stated that if they put it in the same spot that it would not be approved because it is not conforming. Crowningshield stated that is why they are moving the new structure 10' to be more conforming. Gordon stated unfortunately, there is not a true definition in the 2015 re-write of the zoning of what is considered the front yard or back yard on a waterfront property. Gordon stated that technically the front yard is anything facing the street. Gordon also stated that when he first started on the board that any waterfront property, whether it is the lake or a river, the front yard was the yard facing the waterfront and everything else was the backyard. Crowningshield stated two driveways north from this parcel there is a garage right up against the road. Gordon stated that he was aware of that and that they approved that garage. Gordon stated that two months ago, they approved another garage the same way but then Gordon received an email and now he is in between a rock and a hard place. Crowningshield stated that he thinks the planning board would be crazy to allow people to build accessory structures on the lakeside of their home and it would look ridiculous.

Klein stated that he thinks the planning board should go to the town board to fix the code. Gordon stated that we can do that but that will take time and not going to help us with this project. Gilliland stated that she was unclear and asked if there was anything that could be done in this situation that would make it up to code or if there is something that could be done with the placement that could make this up to code. Gordon confirmed that nowhere in the town can you put an accessory structure in the front yard. Gordon stated that it has been done but a zoning variance is required. Gordon stated that he could go down along the point and show you all the ones that have been approved and we have never heard a word about it. Crowningshield stated that all the way down Corlear Drive, every garage is on the roadside. Gordon agreed. Gilliland stated that she would need

to abstain from this vote as she has a family relation. Gilliland asked if this would not be an issue if this garage was an addition to the home. Gordon stated that if it was attached to the home, it would be a good question but it would still be protruding into the front yard. Gordon asked the board if they had any questions or comments. There were no other questions or comments. Klein read a section for page 45, and to answer Gilliland's question from earlier, it is correct that even if it were attached it would not follow the law.

Theresa Sayward asked if she could ask a question; she asked that if in fact you are in between a rock and a hard place, do you make recommendations back to the ZBA? It appears that this happens over and over again. Gordon stated that if there is anything that needs to go to the ZBA that we are no longer to make any comments or give our opinion because anything that needs to go to the ZBA is supposed to be done at the ZBA before it comes to the planning board per legal counsel. Sayward asked if the planning board would be looking at changing this. Gordon stated that the planning board could submit changes to the town board for their review and approval. Gordon stated that the planning board is a fairly new board and that all members are trying to do their best and have followed what was done in the past.

Charbonneau asked if Carol DeMello from the ZBA is stating that the ZBA often has to deal with Section 5.513, should the ZBA be making the decision on something like this? Charbonneau asked if we should make a motion to send this application to the ZBA as the planning board cannot rule on something that is not defined. ***Charbonneau made a motion to send this to the ZBA to rule on their own book that we cannot rule on, seconded by Minessale. Roll call: Dwyer, Charbonneau, Minessale, Klein, Gordon. All in favor, motion carried.***

Jason Sweatt – 43 Mountain View Drive – 39.1-2-9.000 – RR – Section 13.13 Pre-submission conference – owner would like to start a business in zoning district RR in existing garage

Gordon stated that he put in his application under section 13.13 for a submission for a conference. Gordon invited Jason Sweatt to explain. Sweatt stated that he is putting up a building in April and there is a need for a bottle redemption in town as there is no longer one in Willsboro. Sweatt stated that his girlfriend is currently doing one out in Lewis and there is a need for it in town instead of everyone having to go to Lewis. Gordon asked if Sweatt was going to be putting an addition on the garage or asked if it was a new garage. Sweatt stated that it was on the existing garage. Sweatt stated that he has already received the approval on that building. Gordon was not aware of that from the ZBA. Gordon asked if there were any questions or comments from the board members. Charbonneau stated that his one concern is the zoning of the property being in RR and this doesn't appear to be a use that is allowed or even through a special use. Gordon stated that Charbonneau is correct. Sweatt stated that this is why he is here. Gordon stated that it is not in the book and this board cannot change the definition or what is in the book. Gordon stated that he wasn't sure what the ZBA approved for Sweatt whether it was just a garage but it doesn't meet the requirements of 350,000 square feet lot size in that district, it does not fall under the allowable permitted use or special use permit for the RR district. Gordon also stated that you are adding onto an existing structure that is in the front yard and he stated that he is not sure what the ZBA has already approved for you. Gordon stated that the planning boards recommendation is to go to the ZBA and get them to approve building on an undersized lot in the RR district. Sweatt stated that he has already received that approval. Gordon stated that the application submitted to the planning board shows no approval by the ZBA and that type of business doesn't fall under the allowable permitted use or special use so the ZBA would have to approve the redemption business in that district.

Gordon stated that the type of business doesn't fall anywhere in that district. Sweatt asked how it is okay that his neighbors have businesses but he can't. Gordon stated that the planning board is giving Sweatt their recommendations based on the application that was submitted in front of them and that the planning board cannot comment on what his neighbors as Gordon doesn't know what they do. Gordon re-iterated that the type of business Sweatt would like to do is not listed under that RR district. Gordon stated that he doesn't know what Sweatt's neighbors are doing and cant go by that as the planning board is reviewing Sweatt's application. Gordon stated that he wasn't sure why this application came to the planning board other than the fact that you are asking for our recommendations and that is what the planning board has provided. Charbonneau agreed with lot size and the usage for that type of business in that district and would have to be approved by the ZBA. Gordon confirmed with Gilliland that this would also have to go in front of the APA and Gilliland stated that it would have to have a SEQRA and it probably would have to go to the APA. ***Charbonneau made a motion to forward this application to the ZBA, seconded by Klein. Roll call: Klein, Minessale, Gilliland, Charbonneau, Dwyer, Gordon. All in favor, motion carried.***

Gordon stated that Sweatt will need to get with Terry Pulsifer, the code enforcement officer, to fill out the correct application for the ZBA.

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

Gordon stated that they would like to build a 10,640 square foot building. Gordon stated that all members received a letter from Village Meat Market and as the chair of the planning board, I received a packet and a note from Yvonne Pierce highlighting section of the 2010-2011 town of Willsboro comprehensive land use and action plan and the sheets of signatures against the project that was proposed approximately 18 months ago. Gordon stated that the application was emailed to us and there was supposed to be an additional ten copies, enough for the planning board and the CEO, which were never received. Gordon also stated that there was not a deed, site plan review, engineered septic plans, no state environmental quality SEQRA, which was supposed to be received by the board under article 13 section 13.14 #5 which states the applicant needs to submit this to the board. There was not a representative from Seville Development (Dollar General) and or the Engineering firm. Gordon stated that Terry Pulsifer, CEO, has been in contact with the engineer and they were supposed to have all of this information available to the board. Gordon stated that to the public that was present at the meeting, this application is being tabled to the next meeting in January.

Gordon asked if any of the board members have any questions. Gordon asked if the public had anything to say. Yvonne Pierce stated that she owns the Village Meat Market in Willsboro and her purpose of being at the meeting is because of her concerns for her small business and others in town. Peirce stated that her small business is a family owned and operated business for over 25 years that offers fresh meats, dairy, produce and a full line of groceries etc. Pierce stated that they have free retail space available for local products; they provide WIC for the community. Pierce stated that whenever possible they try to buy and sell local products and try to support other local businesses in town. Pierce listed a number of local people and businesses and their products. Pierce stated that the Village Meat Market employ 13 local full-time employees and 5 part time in the winter and 20 full time in the summer. In Pierces research she stated that the Dollar General employs one full time manager and about 6-7 part time employees and that national data proven that when Dollar General

enters a community, independently owned business' profits fall 30-40%. Pierce stated that typically a grocery store will struggle for two years and then goes out of business. Pierce provided packets to all members of the planning board and mentioned an article she included in that packet. Pierce asks if local retailers were to leave what impact would this have to our community. Pierce continued to state that she believes the only thing separating our community from becoming a Keeseville or a Port Henry is the summer tourism. Pierce asked what impact would this have if tourist had to travel 30-35 minutes away for fresh product or meats and other amenities and further more what would it do to home values and would people relocate to our community without these local options. Pierce stated that other towns have updated their zoning laws, placed temporary moratoriums while updating the zoning and some have put in place a regulations to limit harmful chains to come within town limits. Pierce stated that if Planning and Zoning don't take action, the town will not have a say and she also sent a copy of the town action plan within the packet provided to each member. Pierce stated that it might sound that she is being self-interested but the decision to allow a chain store come into Willsboro is extremely near sighted when it is proven to hinder future economic growth and diminish existing small business. Pierce feels that she has a vested interest for this town and she believes that Dollar General will not have a vested interested in this town and that they are more interested in how many stores that they have. Right now, they are at 40,000 stores and by the end of 2022 they would like 55,000 stores.

Theresa Sayward stated that she was present at the meeting for the hardware store. Sayward stated that statistics prove that the first store to go out of business in the hardware store when Dollar General comes into town. Sayward stated that the Willsborough Hardware store does a lot of great things for our community and just recently put on a very nice Christmas ceremony for our town, providing food and hot drinks. Sayward asked if this is really what we want in our community, letting Dollar General come in, and for Willsboro to lose the fabric of Willsboro, which is local people working together embracing all of the people who come in the summer time and Sayward stated she would like not like to see the Dollar General come into Willsboro.

Van Calkins stated that he agreed with everything that Yvonne Pierce stated and has a question that the planning board may not be able to answer. Calkins stated that it is under his understanding that deeds cannot be changed and that he was informed that the current owner of the property in question was approached by the Dollar General company to change said deed which he is not sure if its true or not but he has a family friend that has worked in that type of work and very knowledgeable in that and deeds cannot be changed and the only way it could be is the property was transferred back to the original owner and then changed.

Vijay Khurana owner of the Kushimart stated that he purchased this property this past year and we are a new business and he would not like to see Dollar General there.

Gordon stated that the planning board has to go by the zoning law book and as of right now with the information that we have, the applicant is in compliance to put their building there. Gordon stated that he wasn't sure if the deed was changed or not and he stated that we are waiting on a complete application and proper copies from the applicant. Gordon stated that in 2020 the deed was what held them up then. Mark LaFountain stated that the deed still says the same thing and that he looked it up. Gordon stated that we don't know if the deed has been changed hence maybe why the planning board has not been provided with a copy of the deed. LaFountain stated that he doesn't understand how they can change the deed. Gordon stated that we make a decision on the information the applicant gives us. Gordon stated that we are going to look at that deed however,

the CEO is going to look at the deed to be sure it is compliant. Gordon stated that he does believe part of the property may be going back to the original owner. Gordon stated that doesn't have enough information to know what we are actually going to see, if it will be the original need or a new deed and Gordon stated that he isn't a lawyer and doesn't know if a deed can be changed or not. Gordon stated that they do not have representative for this application here and this will be tabled until the January meeting. Gordon stated that the town board are the only ones that could change the zoning law and or put a moratorium in place to stop anything until we correct any imperfections to the zoning law. Gordon stated that with changing a town law it would then go to a public hearing. Gordon stated again that by law, the Dollar General are following the zoning law and when the time comes to make a decision the planning board has to go by the zoning law and cannot put their personal opinions on this matter.

Lucas Pierce stated that Gordon stated that the planning board, ZBA and the public could make recommendation to the town board, Pierce asked Gordon if that is that something you are going to look into. Gordon stated that he won't be able to do it fast enough to stop the Dollar General from coming in. Gordon stated that the town board will listen to the public and he recommends that you voice your opinion tomorrow night to the town board.

Sayward clarified that as individuals you could speak to the town board. Gordon confirmed. Yvonne Pierce asked if it would be too late for the town board to do a moratorium. Gordon stated that the town board might be able to do it because the applicant isn't here and didn't have everything to the planning board they have pushed this to the January meeting. Yvonne Pierce stated that she knows Gordon is saying their personal feelings but it's just not even the personal feelings and she stated that if anyone does their research and see what a Dollar General does to a small community it is facts not feelings. Yvonne Pierce stated that it is facts and Willsboro is going to be like a Keeseville and a Port Henry, without a place to buy a fresh piece of meat. Gordon stated he understands however, the planning board has to go by the zoning law and by the rules and regulations the planning board has to go by. Lucas Pierce stated that it is great that they have that book to go by but he hopes that the planning board gets involved and has a say in this matter and hopes that the planning board speaks to the town board. Gordon stated that all planning members received a letter from the town attorney, that stemmed from a different project that states what we can and cannot say in public. Gordon stated that he is not against what you are saying and loves the small town atmosphere here but this is the book that we have to go by.

Gordon asked if there were any other comments or concerns in regards to this project.

Yvonne Pierce stated that she was pissed off that when this was up in the air 18 months ago and the town board knew that we were concerned they should have looked into it then and not flipped the blame on us, business owners, for not pushing the issue more. That is their job.

Gordon stated again that we are a fairly new board and doing our best to make things work for everyone and there isn't a board member on this board right now that was on the board the last time they came to town.

Klein made a motion to table the application for Seville Development LLC to next month, seconded by Charbonneau. Roll call: Dywer, Charbonneau, Gilliland, Minesalle, Klein, Gordon.

Gordon asked Morgan Denton, secretary, to post an open position for an alternate member.

A motion was made by Charbonneau, seconded by Minessale to adjourn the meeting at 6:41pm.

Gordon thanked the public for sharing their comments and concerns on the Dollar General project.

Respectfully Submitted,

Morgan Denton
Secretary for Planning and Zoning Board

DECISION FORM:

BOARD:	Planning Board
DATE OF MEETING:	November 23, 2021
APPLICATION NUMBER:	98-P
NAME:	Kathy Hoffman
PROJECT ADDRESS:	26 Lakeshore Drive
TAX MAP NUMBER:	21.13-2-48.000
REQUEST FOR APPLICATION FOR:	4'x12' addition to be built on piers to match existing house

PROPOSED MOTION:	<i>A motion was made to approve the addition.</i>			
MOTION MADE BY:	Gina Minessale			
MOTION SECONDED BY:	R. Andre Klein			
MEMBER VOTE:	MEMBER NAME:	YES	NO	NOTES
	Gregory Gordon	-		Excused
	John Sucharzewski	X		
	Brian King	X		
	Chauntel Gilliland	-		Excused
	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:	November 23, 2021
APPLICATION NUMBER:	99PZ
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 table the site plan approval until the Planning Board has received all of the necessary documentation and gone through the ZBA.</i>			
MOTION MADE BY:	Brian King			
MOTION SECONDED BY:	Andre Klein			
MEMBER VOTE:	MEMBER NAME:	YES	NO	NOTES
	Gregory Gordon	-		Excused
	John Sucharzewski	X		
	Brian King	X		
	Chauntel Gilliland	-		Excused
	Gina Minessale	X		
	Larry Charbonneau	X		
	R. Andre Klein	X		
	Tom Dwyer (Alternate)	X		
SIGNATURE OF PLANNING CHAIRMAN:				