



TOWN OF WILLSBORO
PLANNING BOARD

MINUTES
PLANNING BOARD MEETING
DATE: March 22, 2022 at 6:00 PM
LOCATION: Willsboro Town Hall



DRAFT

Present: Chairman: Gregory Gordon Members: Tom Dwyer, Chauntel Gilliland, Brian King, Andre Klein, Gina Minessale, John Sucharzewski and Larry Charbonneau
Members of the Public: Drew Reithel, Jason Sweatt and Brian Denu

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

Minutes:

The February 2022 minutes were approved as presented.

A motion was made by Dwyer and seconded by Minessale to approve the February 22, 2022 minutes as presented. Roll call: Gilliland, Klein, Sucharzewski, Charbonneau, Dwyer, Minessale, King, Gordon. All in favor and motion carried.

Public Hearing:

Jason Sweatt – 43 Mountain View Drive – 39.1-2-9.000 – RR – Special Use – Redemption Center

Public hearing was opened at 6:03pm. Gordon asked if anyone would like to speak in regard to the project. No members of the public present for this project. Sweatt explained the project and explained that he would be adding onto the building more than what he applied for. Sweatt stated that Terry Pulsifer, CEO, stated that he would have permits for him today. Gordon asked Sweatt if he was making the building larger and stated that the special use permit is for the existing building. Gordon asked if anyone from the board had any questions. Gordon asked for a motion to continue the public hearing until April 26th at 6pm since the project has been altered and the planning board was not notified. Sweatt asked if it had to be drawn out. Gordon stated that Sweatt is changing and adding to the building and that the special use was for the existing building and the planning board did not receive any documentation on the addition. Sweatt stated that Pulsifer knew about this and that he would have all of this taken care of and Sweatt stated that Pulsifer would be present at the meeting. Sweatt stated that he does not want to miss out on people returning their bottles as he knows people stock pile them in the winter and in the spring bring them back. Sweatt stated that the addition that he wants to put on to the existing building will be for when people drop off their bottles.

Sucharzewski reviewed the areal photo of the parcel with the board and Sweatt. Sucharzewski asked if Sweatt had approval for the garage and Sweatt stated he did and stated that both buildings were going up regardless. Sweatt stated that the ZBA approved the project off the front because it is in the front yard. Gordon reviewed the RR district out of the zoning law book. Gordon stated that the planning board had to have the public hearing for the special use. Gordon stated that his concerns are that with the addition, the project is changing but stated that there will be stipulations put in place if this is approved. Gordon stated that there shall not be any storage of bottles or anything to that sort outside of the building. Sweatt stated he agreed and there would not be any storage of bottles or cans outside.

A motion was made by Charbonneau, seconded by Klein to close the public hearing at 6:14pm in regard to the special use for the redemption center located at 43 Mountain View Drive.

Old Business:

Jason Sweatt – 43 Mountain View Drive – 39.1-2-9.000 – RR – Special Use – Redemption Center

Gordon asked if the board had any questions for Sweatt. No questions from the board.

Sucharzewski made a motion to approve the special use permit with stipulations that bottles and cans are not to be stored outside, seconded by Klein. Roll call: Gilliland, Klein, Sucharzewski, Charbonneau, Dwyer, Minessale, King, Gordon. All in favor and motion carried.

New Business:

Brian Denu – 247 Corlear Drive – 21.5-1-25.000 – RL-1 – New Structure

Gordon asked Denu to explain his project.

Denu stated that his lot is about 105' wide so he has the proper setbacks. There is an existing 10x25 dry cabin with no water or electricity. Denu stated he had copies of the septic design present with him and the septic was installed and the cabin has been removed. Denu stated that he would like to put up a two-bedroom cabin roughly 750 square feet and to match cabins around him.

Gordon asked what size septic was installed. Denu stated that it is a 1000-gallon tank. Sucharzewski asked what his building is going to be, Denu confirmed 2 bedrooms with no other building. Gordon stated that Pulsifer has the septic plans. Sucharzewski confirmed that the septic had already been installed. Gordon stated that the septic plans were not included in with this project because it was already installed and didn't have anything to do with this project.

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

Tom Dwyer – 142 Sabousin Drive – 11.13-1-42.000 – EL-1 – Accessory Shed and 2-story addition

Gordon stated that Dwyer is recused from this project. Gordon asked Dwyer if he would like to explain his project.

Dwyer stated that he used to have two parcels – one on either side of the road, and he tied them together to be one parcel. Dwyer stated that the new deed was issued on Tuesday so he does not have a final copy of the new deed quite yet. Dwyer stated that on the inland side he would like to put up a non-permanent shed and tie it together with the existing garage with a breezeway. Dwyer stated on the lakeside – the septic is for a 3-bedroom home, right now he only has two bedrooms. Sucharzewski confirmed how many bedrooms he would end up having after the addition and questioned if the office space could be considered a bedroom. Discussion followed. Dwyer confirmed with the addition it would be a total of 3-bedrooms.

Gordon stated that he discussed with the assessor and Pulsifer about how you can have a road in the middle of your parcel and it is correct that you can.

King asked if it was allowed that he could have a shed there. Dwyer stated that he had to be tied together to the existing structure. Gordon stated that it would have to be double sheet rocked and Dwyer stated that it is not heated. King stated that there was another project previously that they had to close the breezeway in – Clark project. Dwyer stated that they just had to be tied together and talked about the 5/8” sheet rock and Dwyer doesn’t think he needed to do that due to there not being any heat.

Gordon asked if there were any questions for Dwyer. No questions.

A motion was made by Charbonneau, to accept the accessory shed and 2-story addition as presented, seconded by Klein. Roll call: Gilliland, Klein, Sucharzewski, Charbonneau, Dwyer, Minessale, King, Gordon. All in favor and motion carried.

Gordon stated that he would like to discuss and go through Part 2 of the SEQRE for Seville Development, LLC.

Charbonneau stated that in Part 1 when the applicant filled out the SEQRE there were two threatened species. Charbonneau stated that the applicant went to DEC and received a letter back from them in regard to the species that may be present on this parcel. Charbonneau stated that this letter was very vague and did not give a definitive answer. Charbonneau also stated that the applicant hired an independent environmental consultant and from that report it stated that these species were not on this parcel. Charbonneau stated that he believes the planning board should write a letter to DEC for a more definitive answer in regard to the Eastern Pearl Shell and the Eastern Sand Darter as the planning board members are not experts in this area and these findings make Charbonneau nervous to make a decision that may affect these threatened species. Gordon asked if there were any other comments from the board in regard to the SEQRE. There were no other comments.

Gordon stated that the planning board can request a letter from DEC. Gordon stated that the planning board could review and go through part 2 of the SEQRE and hold off on making a

decision until the planning board receives an answer from DEC or hold off on doing the part 2 as a whole until the planning board receives an answer from DEC. Gordon stated that the town attorney strongly advised that part 2 and 3 not be done in the same meeting as the answers to the questions need to be thought out.

Charbonneau stated that the planning board should ask for the letter from DEC with regard to the species. Gordon stated that a letter can be drafted to DEC and that part 2 of the SEQRE can be completed at the next meeting.

Charbonneau made a motion to ask DEC for a definitive jurisdiction letter for no or minimal threat to these species or if there is something greater than that so the planning board can appropriately fill out the SEQRE, seconded by Klein. Roll call: Gilliland, Klein, Sucharzewski, Charbonneau, Dwyer, Minessale, King, Gordon. All in favor and motion carried.

Gordon stated that the planning board received a letter from concerned citizens and this letter will be attached to our documents for records for the Seville Development project. This letter will be attached to these minutes.

Sucharzewski asked how long the public hearing for the Seville Development project will be open. Gordon stated that he was advised by the town attorney to keep it open until the planning board reviews the SEQRE process.

Gordon stated that at the public hearing on Monday, March 21st, 2022 there were a total of 8 residents present. Posts were on social media stating that the planning board was not being transparent and per legal counsel the planning board was advised to keep the public hearing open.

Charbonneau stated that there is a short form guide book for part 2 of the SEQRE that is very short and very useful and highly recommends the planning board members utilize it while looking over part 2.

Klein asked if with the letter to DEC if the planning board should include the consultant information for DEC's review. Gordon stated he doesn't see why not. Charbonneau also stated that DEC's initial response to the applicant should be included as well.

A motion was made by Charbonneau to adjourn the meeting at 6:50pm, seconded by Klein. Roll call: Gilliland, Klein, Sucharzewski, Charbonneau, Dwyer, Minessale, King, Gordon. All in favor and motion carried.

Respectfully Submitted,

Morgan Denton
Secretary for Planning and Zoning Board

DECISION FORM:

BOARD:	Planning Board
DATE OF MEETING:	March 22, 2022
APPLICATION NUMBER:	106-P
NAME:	Jason Sweatt
PROJECT ADDRESS:	43 Mountain View Drive
TAX MAP NUMBER:	39.1-2-9.000
REQUEST FOR APPLICATION FOR:	Special Use – Redemption Center

PROPOSED MOTION:	<i>A motion was made to approve the special use permit with stipulations that bottles and cans are not to be stored outside.</i>			
MOTION MADE BY:	John Sucharzewski			
MOTION SECONDED BY:	Andre Klein			
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	X		
	Tom Dwyer (Alternate)	X		
SIGNATURE OF PLANNING CHAIRMAN:				

DECISION FORM:

BOARD:	Planning Board
DATE OF MEETING:	March 22, 2022
APPLICATION NUMBER:	107-P
NAME:	Brian Denu
PROJECT ADDRESS:	247 Corlear Drive
TAX MAP NUMBER:	21.5-1-25.000
REQUEST FOR APPLICATION FOR:	New Structure

PROPOSED MOTION:	<i>A motion was made to approve the new structure as presented.</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	X		
	Tom Dwyer (Alternate)	X		
SIGNATURE OF PLANNING CHAIRMAN:				

DECISION FORM:

BOARD:	Planning Board
DATE OF MEETING:	March 22, 2022
APPLICATION NUMBER:	108-P
NAME:	Tom Dwyer
PROJECT ADDRESS:	142 Sabousin Drive
TAX MAP NUMBER:	11.13-1-42.000
REQUEST FOR APPLICATION FOR:	Accessory Shed & 2-story addition

PROPOSED MOTION:	<i>A motion was made to accept the accessory shed and 2-story addition as presented.</i>			
MOTION MADE BY:	Larry Charbonneau			
MOTION SECONDED BY:	Andre Klein			
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	X		
	Tom Dwyer (Alternate)	-	-	Abstained
SIGNATURE OF PLANNING CHAIRMAN:				

March 21, 2022

Planning Board
Town of Willsboro
5 Farrell Road
Willsboro, NY 12996

Re: Saville Development, LLC, Site Plan Approval & Minor Subdivision application

Delivered via email to albarffgordon@hotmail.com

Dear Chair Gordon:

We appreciate this opportunity to provide comments to the Town of Willsboro, Planning Board ("Board") in opposition to the Site Plan Approval and Minor Subdivision application ("Application") filed with Town of Willsboro ("Town") by Saville Development, LLC ("Saville Development"). Further, these comments encourage the Board to uphold its obligation to the residents of Willsboro by correctly enforcing the Town of Willsboro Zoning Law ("Zoning Law") as it applies to the Application.

These comments are submitted collectively on behalf of the Village Meat Market, Willsborough Hardware, Khushi Mart, Gratitude for Wellness, Willsboro Pharmacy, Belzile Builders, Point Road Property Services, and Pieter Williams.

In our opinion, the Application by Saville Development, which is intended for a Dollar General commercial retail store, highlights and reinforces that the Adirondack character of Willsboro is threatened by inappropriate development and need for the Board to correctly apply the Zoning Law. We believe that if the Application is approved, irreparable harm will occur to Willsboro, including damaging its Adirondack character, diminishing real estate values, harming the welfare of its residents and visitors, harming the viability of locally owned businesses, and damaging Willsboro's economic potential. Accordingly, we strongly encourage the Board to deny the Application.

We offer the following additional comments for the Board's consideration:

1. The Board has an obligation to deny site plan applications that are not in best interest of Town or that do not promote the public health, safety, comfort, convenience, and general welfare of residents. We believe that there are several factors, individually and collectively, under Zoning Law Section 13.17 which support the Board denying the Application, including:

- a. General incompatibility of proposed buildings, lighting, and signs with the character of Willsboro;
- b. Destructive overall impact on the neighborhood including an incompatible building design, use, and size;
- c. Destructive impact on the natural environment, predominant local land use, character of Willsboro, and dominant architectural style;
- d. Inadequate demonstration of safe vehicle traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls;
- e. Inadequate safe pedestrian traffic access and circulation, lack of appropriate sidewalk access, lack of controls of pedestrian traffic with vehicle traffic, and overall pedestrian convenience;
- f. Inadequate demonstration of appropriate stormwater and drainage management, particularly in light of the subject parcel being within the Bouquet River and Lake Champlain watershed;
- g. Inadequate demonstration of appropriate sewage disposal facilities, particularly in light of soil conditions, geography, and lack of Town of Willsboro sewage service;
- h. Inadequate demonstration of appropriate landscaping to create a visual and/or noise buffer between the subject parcel and adjoining lands, including the maximum retention of existing vegetation; and
- i. Inadequate demonstration of impact of proposed site plan on surrounding landscape and roadways relative to ponding, flooding, and/or erosion.

The Zoning Law is intended to establish "minimum requirements in every instance of their application"; therefore, the Board must exercise its discretion when considering site plan applications to reach proper determinations and to avoid irreparable harm to Willsboro. The Board's authority to apply its discretion when interpreting the Zoning Law is well established by New York courts.

Additionally, the Application includes a request for approval of a Minor Subdivision under Zoning Law Section 4.32. The Zoning Law requires that to approve a Minor Subdivision the Board must determine the proposed subdivision will:

- a. Not adversely affect the development of the community; and
- b. Not cause a nonconforming building, use, or lot to become more nonconforming (in which case a variance must first be issued by the Zoning Board of Appeals)

We assert that the Board cannot reasonably determine the proposed Minor Subdivision will not adversely affect the development of the community. Many of the same factors which render the entire site plan inappropriate under the Zoning Law also render the Minor Subdivision aspect of the Application inappropriate under the Zoning Law. Further, we believe the proposed Minor Subdivision will result with a nonconforming lot due to the decreased square footage of the parcel on which a structure will be constructed by Saville Development after the subject parcel is subdivided. Accordingly, we encourage the Board to deny the Minor Subdivision request from Saville Development.

2. Completion of a Full Environmental Assessment under the State Environmental Quality Review Act ("SEQR") is necessary due to commercial land use type, proposed building square footage, and subject parcel location and geography.

Pursuant to New York State Executive Law §617.4 and §617.7, the Board has discretion to require a full SEQR assessment for any site plan application that is reasonably expected to have significant adverse impact on the environment. Factors for the Board to consider relevant to determining whether significant adverse environmental impacts may result include:

- a. A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- b. The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
- c. The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- d. A major change in the use of either the quantity or type of energy;
- e. The creation of a hazard to human health;
- f. A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- g. The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
- h. the creation of a material demand for other actions that would result in one of the above consequences;
- i. Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and
- j. Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

We assert that Application proposes a site plan and future use that clearly will result with significant adverse environmental impacts. This is because of the existing use of the surrounding property, and that the proposed plan includes construction of an approximately 8,000 square foot structure, commercial retail use of the structure, destruction of existing geography, and location of the subject parcel within the Bouquet River and Lake Champlain watershed.

New York law is settled that Towns have discretion to require a full SEQR assessment when a reasonable basis for the determination exists. In this case, there are multiple factors that support requiring a full SEQR. Therefore, we encourage the Board to require a full SEQR assessment prior to further consideration of the Application

3. The Application includes land which is classified as a wetland under the Zoning Law, and therefore, there shall "be no filling, dredging, excavation, cutting (except in relation to forestry uses) or other material disturbance of the natural topography of, or any construction to any permanent building" on the subject parcel. The Zoning Law defines wetland as:

*[A]ny land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh which are either:
(1) one (1) acre or more in size; or
(2) located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation.*

We understand that the subject parcel includes portions that annually have inundation of water and the parcel includes a permanent stream which is part of the Bouquet River and Lake Champlain watershed. Due to the strict prohibition of developing wetlands under the Zoning Law and potential for irreparable harm to the Willsboro environment, we assert that the Application must be denied. In the alternative and at a minimum, a full SEQR assessment must be required prior to the Board's further consideration of the Application.

4. The Town of Willsboro may be subject to legal challenge from its failure to correctly enforce the Zoning Law or failing to adhere to New York State requirements for protecting the environment. As taxpayers in the Town, we are highly concerned that certain past decisions of the Board under authority granted by the Town Board have failed to comply with Zoning Law, failed to protect the best interests of the Town, and failed to promote the public health, safety, comfort, convenience, and general welfare of all residents. While these decisions are all inappropriate, at least one recent decision created unnecessary legal risk for the Town and expenses. The Board now has an opportunity to learn from past actions and to properly enforce the Zoning Law by denying the Application.

5. The Town of Willsboro may be subject to legal risk by approving the Application while having knowledge that the intended retail use for the subject development is being challenged by an adjoining landowner. The current owner of the subject parcel has been put on notice by attorney's working on behalf of Byrd's Country Store that a restrictive covenant in the deed for the subject property will be enforced. As a result, any business on the subject property will not be legally allowed to offer several types of retail products, such as gasoline products, cigarettes and tobacco products, lottery tickets, meat, fish, and poultry.

6. The Town of Willsboro will potentially face decreased tax revenue from decreased tourism, second home ownership, and decreased locally owned business activity. Preserving the Adirondack character of Willsboro and traditional businesses is essential to the long-term interests of the Town and welfare of its residents. If Willsboro allows commercial or residential development that is inconsistent with its character, the Town will eventually become indistinguishable from municipalities that currently do not experience meaningful tourism or second home ownership, lack vibrant locally owned businesses, and have depressed property values.

Tourism and second home ownership are significant economic resources for the Town of Willsboro. Tourism and second home ownership result with significant retail spending, construction spending, taxes for the Town, employment, business development, and increased real estate values for all residents. The reasons that Willsboro attracts tourism and second home ownership are simple; the natural beauty and environment, Willsboro's Adirondack character, vibrant locally owned business, and a welcoming community. Most importantly, Willsboro is a town that offers an environment, culture, and character that isn't found in many places.

Vibrant locally owned businesses are one core component of Willsboro's character and culture which also impact the Town's economic soundness. These businesses provide well-paying jobs to many residents, contribute significantly to the local tax base, and offer valuable services to residents. The trickle-down effect of these business also adds economic benefit throughout the community, such as through retail spending, home purchases, charitable contributions, and taxes. Consequently, it is in the Town's long term economic interest and the best interest of residents to have commercial land use that will protect the viability of these businesses.

Additionally, we are aware that representatives of Saville Development have publicly stated that they do not know what Willsboro's character and culture is or means, which demonstrates this company's absolute ignorance of and disregard for Willsboro and the Adirondack region. This type of company should not be rewarded with the privilege of building in Willsboro or profiting from its residents.

Promoting the public health, safety, comfort, convenience, and general welfare of residents of Willsboro is a paramount obligation of the Board. We encourage the Board to satisfy this obligation by thoroughly considering the comments presented and adhering to the Zoning Law. We also encourage the Board to be mindful of the precedent set by its decisions. Residents of Willsboro and visitors to the area deserve appropriate commercial development to protect this special place in the Adirondack region of New York State.

Thank you for this opportunity to comment.

Sincerely,

Yvonne Pierce
Village Meat Market

Van Calkins & Mark LaFountain
Willsborough Hardware

Vijay Khurana
Khushi Mart, Inc.

Melissa Maki
Gratitude for Wellness Acupuncture, PLLC

Rebecca Palmer & Melissa Maki
Gratitude for Wellness, LLC (Pickleball)

Gilbert Belzile
Belzile Builders

Jim Bowen, President
Adirondack Apothecary, LLC
(Willsboro Pharmacy)

Bob Kaleita
Point Property Services, LLC

Pieter Williams
Part-time resident