



TOWN OF WILLSBORO

OFFICE OF THE SECRETARY FOR PLANNING AND ZONING BOARD

MINUTES PLANNING BOARD MEETING DATE: October 24th, 2017 at 7:00 PM LOCATION: Willsboro Town Hall

Present: Chairman, William Bardeen Board Members: Wayne Feeley, Tess Grubb, John Sucharzewski, Robert Powell

Excused: James Leibeck

Member of the Public: Deb & Kurt Ellison, Sheila McIntyre, Spencer Hathaway, Carol DeMello, Joyce Capkovitz, Doug Ferris, Gilbert Belzile, Bobbi Paye, Douglas Rock (Codes Enforcement Officer)

Chairman Bardeen called the meeting to order at 7:00 pm

MINUTES: Bardeen called for a motion to approve the July 2017, August 2017, September Conference Notes 2017, and September 2017 minutes. Powell seconded. All in favor and motion carried.

PUBLIC HEARING: NO PUBLIC HEARING

OLD BUSINESS:

Bardeen stated that the Chiang, Prindle, and LeBlanc projects were discussed in a phone conference after they did the site plan reviews. There was a quorum but not every member could make the conference call. In the case of the Chiang's they suggested a survey. The Prindle's they suggested a survey as well and the LeBlanc's they just needed to conform to the setbacks. Bardeen called for a motion to get an official approval for the 3 projects.

--Chiang—157 Corlear Drive—21.5-1-55.000—RL-1---Addition

(Powell/Feeley) A motion was made to approve the addition. Powell moved the motion, Feeley seconded. All in favor, motion carried.

--Prindle—194 Marina Lane—21.13-1-1.140—RL-1—New Garage/Guest Cottage

(Powell/Feeley) A motion was made to approve the addition. Powell moved the motion, Feeley seconded. All in favor, motion carried.

--LeBlanc—178 Corlear Drive —21.5-1-58.000—RL-1—New Year Round Residence

(Powell/Feeley) A motion was made to approve the addition. Powell moved the motion, Feeley seconded. All in favor, motion carried.

--Kurt Ellison-657 Corlear Drive -11.13-1-39.000—RL-1—Site Plan Review- Garage

Doug brought the board up to date on the Ellison case. He stated the Ellison's agreed to adjust their application to be in conformance with the Zoning Law that requires that a guest house be 50 % or less of the main principal structure. The remedy involved an addition to the existing structure which is one of the things that the APA suggested. They would like to amend the application and request it be approved. Mr. Ellison also stated that he would like to get both these building permits issued at the same time, the one for the garage and the one for the addition to the existing camp. Bardeen stated he received an email from Carol DeMello which stated her discussion with Robin Burges from the APA. After last month's ZBA meeting where the Ellison's requested the variance and withdrew that request, the Ellison's decided to go a route that Robin had suggested as one approach (not necessarily the best one) but was an approach to comply with the 50 % rule. DeMello spoke with Robin last week and was concerned that even if the planning board granted the request it could be overturned by the APA because it would be unable to meet condition one of the Zoning Regulation which is the definition of occasional use of Guest Cottages. Bardeen stated that the issue is we don't have a clear definition of the word occasional. In the Zoning law it is defined as less than 150 days or less within a calendar year and not to be used for rentals. Bardeen asked the Ellison's if they are willing to undertake that with the stipulation that they will live in the guest cottage no more than 150 days within the calendar year that and they will not rent the property ever. Mr. Ellison stated absolutely. Bardeen stated that he thinks there is a much simpler answer to this whole thing and that is to extend the existing camp to connect it with the new structure to make it one unit. Ms. Ellison stated they believe it would not be attractive and they do not want them so close. She also stated that they complied with the 50% rules so that fulfills the requirements. Sucharzewski stated that it does comply with the ordinance so the application should be granted. Bardeen stated his and some other board members concerns with the waste water systems. The Ellison's are putting in a new septic system to accommodate the new structure and leaving the existing one for the existing camp. The existing septic was put in the 1975 and is 1000 gallons and the Ellison's have never had a problem with the existing septic. Bardeen suggested combining the 2 septic systems but Sam Blanchard the Ellison's builder, stated that with the distance between the 2 buildings it would not be feasible and would be quite expensive. Sucharzewski stated that is if the system is a working system and is not failing he doesn't think it would need to be combined. Powell expressed his concern about Lake Champlain and older septic systems with leakage and pollution. There was a small discussion regarding the combination of the 2 septic systems. The Ellison's stated that if or when the system fails they will deal with that when the time comes. Mr. Ellison stated that he would rather not bring this into the new project as they do not have the money to add more to this project. Bobbie Paye stated that just on the current agenda there are 3 applications for guest cottages/bunk house that are all on the lake. She stated that the lake was a big concern when creating the Zoning Laws. Paye also stated her concerns for the septic and the growing popularity of guest cottages. Bardeen expressed his concern about the Ellison's or their family selling the house and then there being 2 camps occupying one property which would abuse the septic system long term. Sucharzewski stated he understands everyone's concerns but bottom line, is there anything in the ordinance that would state the board could not approve this application. Grubb stated the increasing concern for the water quality in Lake Champlain. Mr. Blanchard stated that if the Ellison's were to combine the 2 septic systems would they still have to comply with the 50% rule. The board said no. Mr. Blanchard then stated that this is a very large expense that the board is asking from the Ellison's. Sucharzewski stated that the combination of the septic is not a requirement but a suggestion. Carol DeMello stated that when the

ZBA makes an interpretation we write up a sheet and it gets filed with the zoning law so there is no question going forward and the planning board is made aware of the interpretations so they can base their determination on them. Carol also stated she spoke with Robin again and in a circumstance like this where they want to live in the "guest cottage" they would not be allowed to grant the application. Robin also stated that they would have to rip out the kitchen and could only have a micro-fridge. DeMello is worried about the density. Bardeen stated that in this particular situation this project does not have to go to the APA so the decision needs to be made within the constraints of the current zoning laws which define the occasional use as 5 months a year. The Ellison's proposal meets the criteria of the current zoning law. Powell mentioned that part of the planning board's job is to look forward and he can certainly believe Mr. Ellison when he stated he will not occupy the guest house more than 150 days a year but we agree and what will happen next. Then there will be 2 dwellings on one property and how will the Town monitor that. Bardeen mentioned that the zoning law can be changed but we have to deal with what we have today and it has to be applied to the projects we have now. DeMello stated that it is unfortunate that everybody's definition of occasional use is different. Bardeen asked the Ellison's for the addition plans. Mrs. Ellison stated that the only reason they have these plans is due to the previous planning and zoning board meeting they attended where they were told flat out that putting on an addition will solve the problem. Mr. Ellison stated that the addition to the existing camp will add 330 square feet. Bardeen asked the Ellison's what they would like to do with the new space. Mrs. Ellison stated they are going to put a mudroom and a new dining room attached to the kitchen. Sucharzewski proposed a motion to approve this application on the grounds that they have met all the qualifications of the zoning ordinance. Powell disagreed with Sucharzewski and stated that he agreed they have done everything they have been asked but he was concerned with the future and would like this application reviewed by the APA. Bardeen stated that the board will entertain that motion but with the stipulations that the space in the guest cottage can only be used occasionally which is defined as 150 days or less and cannot be offered for rent and can only be moved forward if the project to expand is approved. The board still will have to conduct a site plan review on the proposed addition to the existing camp. Bardeen stated that these two applications cannot be approved at the same time. Paye stated that DeMello offered the ZBA's interpretation so the Planning board went against the ZBA's interpretation.

(Bardeen & Sucharzewski/Grubb) A motion was made to accept the proposal with the stipulations that the new space can only be used occasionally which is defined as 150 days or less a year, that it can never be rented, and needs to follow a site plan review for the project to expand the existing camp in order to satisfy the 50 % requirement for the garage and seconded. All in favor, motion carried. Powell abstained.

--JC Wyatt—194 Cedar Lane—20.20-1-1.000—RL-1—Bunk House

Doug stated he received a more detailed application as requested by the board. Bardeen stated that when they made the site plan visit they had some trouble finding the exact location of the bunk house and also could not find the leach field. The Wyatt's fit the 50% rule in the new drawings by about 9 ft. Doug stated that the other piece included was the septic permit that was completed and installed previously. Sucharzewski asked how many bedrooms the existing camp has and how many the new bunk house will have. Mr. Hathaway, the Wyatt's builder, stated there is 1 bedroom in the existing camp and there will be one to two bedrooms in the new bunk house no more than 3 total. Mr. Hathaway stated that there will be no kitchen in the bunk house. The bunk house will include a bathroom, a bedroom, and a livable space and there will be a loft space above. Powell stated when they did the site plan review they were unsure where the leach field would be, he asked Mr.

Hathaway if he could stake out the exact location of the leach field. Powell also stated he would need to stake out exactly where the bunk house will be and where the septic will be. The final site plan review will be conducted before the next board meeting.

Attached is the 1st site plan review design considerations form

--Brian Smith—68 Sabousin Drive ---11.17-1-21.200—RL-3—New Garage

Powell stated that the drawing on paper looks great but when the site plan review was conducted there was nothing staked out. There was no boundary lines, no stakes for the proposed building, there are no elevations and not enough details. The site plan review was denied due to lack of information.

*Attached is the Site Plan Review Design Considerations

--Richard Hill—304 Corlear Drive—11.17-1-45.100—RL-1—New Construction

Powell stated that he has a tremendous problem with this case. Also he stated that his understanding for this case is that Mr. Hill wants to buy out his partner in the lot so that he can attach it to his piece of property across the street in order to avoid the need to conform to the 50 foot setback rule. The piece of property he is considering purchasing from Bill Miller involve 10 families that have deeded right of ways and that piece of property is not buildable. Therefore if you have an unbuildable property that is separated by a road and 10 families have access to it. How can you attach it to the other piece of property? Bardeen stated that this case should be put on hold until further information is given. Paye briefed the board on the history of this land. Paye's interpretation is that no one can build on the lot with the right of ways. Bardeen stated that Mr. Hill's Plan is to purchase the property from Mr. Miller to have the whole property and wants to use that to combine the lot across the road to make the lot across the road buildable. Doug stated that Mr. Hill's request is to build on his unbuildable lot so he would like to combine it with another piece of property. Sucharzewski stated that the way he is looking at it is if Mr. Hill combines the 2 unbuildable lots then both of the lots become one buildable lot. So he could potentially build on either side of the road. In order to proceed with this case the board needs more information and Mr. Hill would need to demonstrate that he can legally combine the 2 lots. Bardeen suggested he should just request to build on his unbuildable lot and apply for a variance. Doug suggested a motion that Mr. Hill demonstrates that he can legally combine the 2 lots in order to reevaluate his application.

(Rock/Powell&Grubb) A motion was made that Mr. Hill demonstrate that he can legally combine the 2 lots in order to allow for reevaluation of his application and seconded. All in favor, motion carried.

NEW BUSINESS:

--Scott & Sheila McIntyre—113 Lakeshore Drive --21.14-1-17.100—RL-1—Enlarge ground floor bedroom and add a bathroom

Sheila briefed the board on her addition. She stated the lot is non-conforming and will be so no matter what they try to do. When she spoke with Doug, he said they would need to apply to the planning board to get feedback and direction on whether the project was even possible before they go in front of the ZBA for a variance application. Bardeen stated that a site plan review has not yet been conducted. Bardeen mentioned that the application was reasonably complete and he took a ride to see the exact location and it makes a lot of sense. Sheila McIntyre stated that her property is 250 x 125 feet which is about .29 acres. A site plan review will be conducted before the next meeting. Bardeen stated that after they conduct the site plan review the McIntyre's will have to come back before the planning board, then get denied by the codes officer, before going in front of the

ZBA for a variance. Bardeen suggested the McIntyre's should apply for a building permit to Doug before the next meeting so after the denial of the building permit they can apply to the ZBA.

--Joyce Capkovitz—170 Lakeshore Drive --21.10-1-14.000—RL-1—Addition 24x20 on guest cottage & 24x20 Car Port on Existing Garage

Bardeen stated that based on the map he could not differentiate main camp from the guest cottage. Joyce Capkovitz clarified for the board. Bardeen stated the proposal is to increase the size of the guest cottage and also create a car port on the existing garage. Bardeen stated that on the current application there are not enough dimensions to know how big the total main camp is. Gilbert Belzile, the builder, stated that there is a 250 foot difference between the main camp and the guest cottage on the 50 % rule. The main camp size is about 2,500 sq. ft. with the second floor and the guest cottage will total 1000 sq. ft. with the new addition. Bardeen asked what will be done with the car port and will it have a flat roof. Belzile stated it will have a pitched roof the same as the existing garage that it will be used to park her car under as the existing garage is full of stuff. Capkovitz stated she has a 36 year old car and would like to have something to park her car under. Capkovitz also stated that the addition on her existing guest cottage would be for her gym equipment and her plants. Powell stated he would like to see all the dimensions and the setbacks for this property. Doug suggested that a survey will be helpful. Powell stated that there is no septic on the plans. Bardeen asked the applicant about the septic. Belzile stated the septic system is located off the main camp and everything is hooked into that system. Bardeen asked if the system has been tested. Sucharzewski stated that you can test the system by taking dye tablets and putting them in the toilet and flushing it and run the water and inspect the outside where you suspect the leach field to be and if you see the red dye then you will know the leach field is working. Capkovitz stated that the leach field is very underused because she is the only one that ever uses the property and that she doesn't have children, family members, or a husband. There is no sign that the leach field is failing. Bardeen asked if she stays in the main camp in the summer time and the guest cottage in the winter. Capkovitz stated that she lives year round in the guest cottage and has not used the main cottage in 13 years. Bardeen and Powell suggested attaching the 2 buildings with the breeze way. Powell asked what the lot coverage is for this property. The board will conduct a site plan review before the next board meeting.

--Leslie Langworthy—17Helm Way—20.3-2-33.000—R-R—Minor Subdivision

Doug briefed the board on the Langworthy subdivision. He stated this is a property on Long Pond that is been applied for by Doug Ferris of Earth Science Engineering. He had engineering work for the septic plan. Mr. Ferris stated that the Langworthy's have approximately 40 acres and they want to do a minor subdivision to peel off 8 acres to sell to a neighbor Bruce Dodd. The Langworthy's currently own the road and do not want to give that up so the property line will be right along the road so that they still own the whole road. Grubb asked if this subdivision happens will any property owner be land locked due to Langworthy's owning the road. Mr. Ferris stated that currently Langworthy's own the whole road and that will not change so no property will be landlocked. Grubb also asked what the intentions of the new owner will be if acquiring this property. Mr. Ferris stated that they would like to build a house. Doug stated that this should have a jurisdictional determination from the APA giving the board jurisdiction due to the wetlands. Bardeen stated that his only concern is that the Long Pond community is very sensitive to development and it may be best to do a public hearing. Feeley stated that this is on the opposite side as Long Pond.

(Sucharzewski/Bardeen)A motion was made to approve the minor subdivision with the condition that the APA gives the town the jurisdictional determination and seconded. All in favor, motion carried.

ADJOURNMENT:

Chairman Bardeen called for a motion to adjourn the meeting at 9:07 pm. Grubb moved to adjourn. Bardeen seconded. All in favor, motion carried.

Respectfully Submitted

Codia Crandall
Secretary for Planning and Zoning Board

Site Plan Review – Design Considerations
Name: Wyatt Application No. Date: 9/30/17

1. Location, arrangement, size, design, and general site compatibility of buildings, lighting, and signs. We need to know the size and square footage of each building including number of bedrooms and bathrooms. We need to see elevations to determine height. The location, marked by stakes, is acceptable.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls. Not applicable
3. Location, arrangement, appearance and sufficiency of off-street parking and loading Not applicable
4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience. Not applicable
5. Adequacy of storm water and drainage facilities. Acceptable
6. Adequacy of water supply and sewage disposal facilities. Town Water. We were unable to determine the location of the leech field. The only open site was where the proposed bunk house was marked. More information is needed before we can pass judgment.
7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation. Acceptable
8. Adequacy of fire lanes and other emergency zones and to provision of fire hydrants. Not applicable
9. Special attention to the adequacy and impact of structures, roadways, and landscaping in areas susceptible to ponding, flooding, and/or erosion. Acceptable
10. Overall impact on the neighborhood including compatibility of design consideration. Acceptable
11. Impact on the natural environment, historical site significance, predominant local land use, cultural significance, and dominant architectural style. We noted that this property abutts wet land and are concerned about the sewage disposal facility

Site Plan Review – Design Considerations
Name: Smith Application No. Date: 9/30/17

1. Location, arrangement, size, design, and general site compatibility of buildings, lighting, and signs. We found the site. There were no boundary markings no stakes for the proposed building. We do not have an elevation plan to determine if this is a one or a two story building. Is this a four season dwelling? Will there be bedrooms? The application is incomplete.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls. Acceptable.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading. Acceptable.
4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience. Acceptable.
5. Adequacy of storm water and drainage facilities. Acceptable.
6. Adequacy of water supply and sewage disposal facilities. Town water is available on the site. We question the need for water at the proposed garage and need to know the purpose of the water and how the excess water will be disposed of.
7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation. Acceptable.
8. Adequacy of fire lanes and other emergency zones and to provision of fire hydrants. Not applicable.
9. Special attention to the adequacy and impact of structures, roadways, and landscaping in areas susceptible to ponding, flooding, and/or erosion. Acceptable.
10. Overall impact on the neighborhood including compatibility of design consideration. Acceptable if it is a one story garage.
11. Impact on the natural environment, historical site significance, predominant local land use, cultural significance, and dominant architectural style. Not applicable.

