



TOWN OF WILLSBORO

PLANNING BOARD

MINUTES

PLANNING BOARD MEETING

DATE: April 26th, 2022 at 6:00 PM
LOCATION: Willsboro Town Hall

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

Absent: John Sucharzewski

Members of the Public: Christine Benedict, Andrew Leja, Scott Davison, Josh Hartle, Spencer Hathaway, Eric Arnold, Jackie White, Mark Schachner, Terry Pulsifer Jr., Code Enforcement Officer (CEO)

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

March 2022 Special Planning Board Meeting Minutes: No corrections needed. *A motion was made by Charbonneau, seconded by King, to accept the minutes as presented. Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor, motion carried.*

March 2022 Planning Board Meeting Minutes: No corrections needed. *A motion was made by Charbonneau, seconded by Klein, to accept the minutes as presented. Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor, motion carried.*

New Business:

Estate of Robert & Christine Benedict – 3647 Essex Road – 31.13-6-9.110 – HC-1 & RM-2 – Self-storage buildings

Benedict stated that she is waiting on a decision from the lawsuit that is happening against the town. This application would be for a back up plan as she cannot lose any more money while she is waiting on the decision. Benedict stated that she did not receive a stop work order but she did stop work to be courteous. Benedict stated that the land is well surveyed and only 20' of Building A is in the residential zone. Benedict would like to slide Building A and add the 20' onto the Essex Road end of the building for the building to be all in the HC zone. Benedict stated that the buildings are assembled in 10' sections. Benedict would like to propose this project make Building B 110' and take the 20' and add it on Building A. Benedict stated that Building A would be 150' and Building B would be 110'. Benedict also stated that by doing this it would not hurt anything structural due to the 10' sections.

Gordon asked if Terry Pulsifer, CEO, had anything to add or any questions. Pulsifer stated he did not. Gordon asked about parking and Pulsifer stated that there is nothing specific in the zoning law for parking lots and there are not any full-time employees or an office area, just self-storage units.

Discussion followed. Gordon stated that the original project is now an article 78 and the town and the planning board have given Judge Meyers everything we have. Judge Meyers decided that he would be going by written information and we are currently still waiting on a decision.

A motion was made by King to accept the application as presented as a “Plan B”, if “Plan A” does not go through or is held up in court, seconded by Minessale. Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor, motion carried.

Jeff Berkowitz – 532 Point Road – 21.13-3-5.000 – RL-1 – Accessory Structure

Spencer Hathaway, representative for the project, stated that this applicant is under the 15% lot coverage. The plan is for the applicant to move here from Vermont. The idea for the accessory structure is to store things in and possibly have a little workshop so they can utilize the garage for their vehicles.

Gordon stated that the accessory structure would be behind the garage and will not be visible from the road unless you are coming from the south. Gordon and Hathaway confirmed that the accessory structure would look exactly like the garage and the house.

Gordon asked Pulsifer if he had anything to add or any questions on the project. Pulsifer reminded the planning board that with an accessory structure the side yard setback is 10’.

Gordon clarified that with any lakefront property, the front yard would be the lakefront and the backyard is the street side.

Gordon asked if there were any questions from the board. No questions from the board.

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

Spruce Hill Haven Hunt Club, Inc. – 605 Reber Road – 30.3-1-23.202 – RR – Minor Subdivision

Gordon asked Eric Arnold to provide more information concerning the application. Arnold stated that Spruce Hill Haven Hunt Club, Inc is a small membership outdoor club and one of the members owns the land and they would like to subdivide a piece off to build an off the grid seasonal hunting camp.

Gordon stated that there is a larger photo available for the board to review.

Gordon confirmed with Arnold that there is an existing seasonal road.

Discussion followed concerning the parcel and the property lines.

Gordon confirmed with Pulsifer that there would not need to be a site plan approval done because it is not near the water. Pulsifer stated that this is a preliminary minor subdivision approval as they are waiting on a survey map.

Gordon asked if there were any questions from the board. King confirmed with Arnold that the acreage being subdivide is 10.7 acres.

A motion was made by Klein, seconded by Dwyer, to approve the preliminary minor subdivision. Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor, motion carried.

Public Hearing: No Public Hearing

Old Business:

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

Gordon stated that he would like to submit the following correspondences, to the record; NYS DEC response in reference to the April 5th letter that the planning board sent, received an anonymous letter – there was not a signature or return address on the letter, Norfolk Office letter and a letter from Pieter Williams dated January 3rd, 2022. These correspondences are attached to these minutes.

Gordon stated that Seville Development has withdrew their application for the minor subdivision. Therefore, Gordon closed the public hearing on the minor subdivision. ***Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor.***

Gordon stated that the only things that we do not have from the applicant are the engineered plans for the septic, which will be brought to Terry Pulsifer and DOH when completed and available.

The board went through and reviewed the SEQR.

Question 1 – board agreed to a small or no impact. ***Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor.***

Question 2 – Charbonneau stated that it is a moderate to large impact on this parcel. The changing of the land cover, which is currently vacant field to then having a large paved lot and large structure on it. Minessale stated that we did not hear back concerning the species and did not hear anything from the applicant about the lighting. Gordon stated that we did hear back from DEC and was provided with a copy of the letter stating that the species are not present on that parcel. Gordon also stated that in reference to the lights, they will be low capacity and the lighting will go through the CEO. The board agreed that this is a moderate to large impact. ***Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor.***

Question 3 – Gilliland stated that this project is at a larger scale and will present a visual change to the current character but it is zoned appropriately therefore is a no or small impact. Klein and the rest of the board agreed with Gilliland. ***Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor.***

Question 4 – The board agreed that this would be a no or small impact that may occur. Mark Schachner stated that the Town of Willsboro as far as we know does not. ***Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor.***

Question 5 – Gordon stated that three people put moderate to large impact and Gordon stated that he did moderate to large impact as it is currently a vacant field with no traffic to it or going in and out of that area and that is why he chose moderate to large impact even though there is documentation from DOT that they are at stage 2 approval of their study. Gordon stated that DOT has not had any issues with this project as of yet in their study. Gilliland asked if there is any consideration for pedestrian traffic as the sidewalk is on the other side of the road at this point. Gilliland asked if this would be part of DOT's responsibility in their plans. Gordon confirmed that it would be part of DOT's responsibility. Minessale stated that had it as no or small impact. Gilliland stated she had moderate to large impact but its being addresses and Dwyer agreed. Mark Schachner advised the board that it is okay to acknowledge and would agree with the two comments and that the board is being very diligent with this process. Gordon made a motion to decide that this would be moderate to large impact. ***Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor, motion carried.***

Questions 6 – Gordon stated that the plans show LED lighting on the outside of the building with a lower wattage and it is not over lighted. There will be 4 single pole lights Pulsifer stated. Gordon stated that they have shown that to conserve energy. The board agreed that this would be a no to small impact. ***Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor.***

Question 7a– Gordon stated that when the initial building plans showed the square footage more than 10,000 that they would need a sprinkler system. The building is now about 8700 square feet, which puts them below the threshold to have to have a sprinkler system. Gordon stated that there will be two bathrooms and a mop sink. The applicant is estimating that they will use about 100 gallons of water per day. Gordon and the board agreed that this is a no or small impact. ***Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor.***

Question 7b – Gordon stated that the applicant has hired an engineer for a storm water study. The storm water study will be provided to Department of Health and the CEO. Gordon and the board agreed that this will have no or little impact. ***Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor.***

Question 8 – Gordon stated that the planning board received a letter stating that there are no archaeological concerns and Gordon stated that this will be one of the nicest looking buildings in town as the applicant has gone above their normal style building. Gordon and the board agreed that this will be no or small impact. ***Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor.***

Question 9 – Gordon stated that this is a small impact as the applicant is taking a field where the grass may be the only thing that would be affected. The board agreed with Gordon that this would be a no or small impact. ***Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor.***

Question 10 – The board reviewed the storm water study. Gordon stated that the water should move all to the back of the property. Gordon stated that all the concerns have been addressed concerning the storm water study. Gordon asked if the board had any comments or concerns. No comments or concerns. ***Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor.***

Question 11 – the board agreed that there would be no to small impact. ***Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor.***

Gordon stated that part 2 was completed. Mark Schachner advised the planning board to further analyze the questions that the board agreed would be a moderate to large impact. Schachner stated that the board should further describe in narrative terms why the particular questions are moderate to large and if they may or may not have an significant adverse environmental impact.

Davison stated that he felt that the analyzing has already been done.

Schachner stated that he strongly disagreed and that zoning is zoning and project development is project development.

The board reviewed their explanations and reviewed and analyzed.

Gordon read the following:

“The Planning Board decided that potential moderate to large impacts could occur related to changes in use, intensity of use, and traffic. This is because the action will be a more intense use of the current vacant land site, adding a building, parking lot and additional traffic to the street in the area. However, the proposed use is consistent with the existing zoning and the comprehensive plan. Therefore, the change in intensity was planned for.

After analysis, the Planning Board decided that these impacts would be moderate in magnitude, mostly long-term, and probably will occur. Thus, these are all potentially significant impacts. However, the project design and layout is on a State highway (NYS Route 22) that is under the jurisdiction of NYS DOT and they have determined the road can handle the traffic. The Storm Water Study and the site plans adequately address the issues of the additional non-pervious surfaces and the runoff created by these surfaces. The Site plans also address the flora and trees that may be disturbed or removed by planting additional salt tolerant species as well. These impacts are felt to have already been adequately mitigated. Therefore, the Planning Board finds that the potential impacts are not of substantial magnitude and there are not significant adverse environmental impacts requiring preparation of an environmental impact statement.”

A motion was made by Charbonneau to adopt the analysis that Gordon read, seconded by Dwyer. Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor, motion carried.

Schachner asked if the M239 was completed. Pulsifer stated that the M239 has been completed with Essex County.

Gordon confirmed with Davison that the ice chest and propane tanks will be moved to the side of the building and that there will not be any side walk sales in the front of the building and Gordon asked for legal advice on how to proceed. Jackie White advised the Planning Board to make a motion.

A motion was made by Charbonneau to approve the site plan review for Seville Development, with the following conditions, the ice chest and propane tanks on the side of the building and that there be no side walk sales, seconded by King. Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor, motion carried.

Gordon thanked Seville Development for working through this project with the Planning Board and stated that the Town of Willsboro will be welcoming a very nice looking new building.

Gordon asked if there were any questions or comments.

Davison stated that Josh Hurtle will be the contractor and residing in Willsboro during the construction of this building. Hurtle has built many Dollar General stores.

Gilliland confirmed that the Town of Willsboro and the Planning Board are not responsible for any restrictions in the deed. Davison stated that he wanted to confirm with the Planning Board that the restrictions that were in the deed have been lifted and terminated. Mark Schachner stated that he wanted to ensure the Planning Board members that it is not the job of the Planning Board, Zoning Board of Appeals to enforce deed restrictions and that it would be a civil matter and not a town issue.

Hathaway asked if the deed's that he has had to provide for projects that he has applied for if they mean anything. Gordon stated that they do show the board proof of ownership and especially on the point it the parcels were owned by the Hatch Brothers previously that the Planning Board does have to review the deeds.

Charbonneau announced that he would be stepping down from the Planning Board as his life is very busy. Charbonneau encourages the other members of the Planning Board to review the Zoning Law and make a list of what is not covered and how it can be changed.

Gordon thanked Charbonneau for his time as a member.

A motion was made by Klein to adjourn the meeting at 7:18pm, seconded by Minessale. Roll call: Klein, Dwyer, King, Charbonneau, Gilliland, Minessale, Gordon. All in favor, motion carried.

Respectfully Submitted,

Morgan Denton
Secretary for Planning and Zoning Board

DECISION FORM:

BOARD:	Planning Board
DATE OF MEETING:	April 26, 2022
APPLICATION NUMBER:	111P
NAME:	Estate of Robert & Christine Benedict
PROJECT ADDRESS:	3647 Essex Road
TAX MAP NUMBER:	31.13-6-9.110
REQUEST FOR APPLICATION FOR:	Self-storage Buildings

PROPOSED MOTION:	<i>A motion was made to accept the application as presented as a “Plan B”, if “Plan A” does not go through or is held up in court.</i>			
MOTION MADE BY:	Brian King			
MOTION SECONDED BY:	Gina Minessale			
MEMBER VOTE:	MEMBER NAME:	YES	NO	NOTES
	Gregory Gordon	X		
	John Sucharzewski	-	-	Absent
	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:	April 26, 2022
APPLICATION NUMBER:	112P
NAME:	Jeff Berkowitz
PROJECT ADDRESS:	532 Point Road
TAX MAP NUMBER:	21.13-3-5.000
REQUEST FOR APPLICATION FOR:	Accessory Structure

PROPOSED MOTION:	<i>A motion was made to approve the accessory structure 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	-	-	Absent
	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:	April 26, 2022
APPLICATION NUMBER:	113P
NAME:	Spruce Hill Haven Hunt Club, Inc
PROJECT ADDRESS:	605 Reber Road
TAX MAP NUMBER:	30.3-1-23.202
REQUEST FOR APPLICATION FOR:	Preliminary Minor Subdivision

PROPOSED MOTION:	<i>A motion was made to approve the preliminary minor subdivision.</i>			
MOTION MADE BY:	Andre Klein			
MOTION SECONDED BY:	Tom Dwyer			
MEMBER VOTE:	MEMBER NAME:	YES	NO	NOTES
	Gregory Gordon	X		
	John Sucharzewski	-	-	Absent
	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:	April 26, 2022
APPLICATION NUMBER:	103P
NAME:	Seville Development, LLC
PROJECT ADDRESS:	NYS Route 22
TAX MAP NUMBER:	30.12-2-19.200
REQUEST FOR APPLICATION FOR:	Dollar General Retail Store

PROPOSED MOTION:	<i>A motion was made to approve the site plan review for Seville Development, with the following conditions, the ice chest and propane tanks on the side of the building and that there be no side walk sales.</i>			
MOTION MADE BY:	Larry Charbonneau			
MOTION SECONDED BY:	Brian King			
MEMBER VOTE:	MEMBER NAME:	YES	NO	NOTES
	Gregory Gordon	X		
	John Sucharzewski	-	-	Absent
	Brian King	X		
	Chauntel Gilliland	X		
	Gina Minessale	X		
	Larry Charbonneau	X		
	R. Andre Klein	X		
	Tom Dwyer (Alternate)	X		
SIGNATURE OF PLANNING CHAIRMAN:				