



TOWN OF WILLSBORO
OFFICE OF THE TOWN CLERK

MINUTES
TOWN BOARD MEETING
DATE: November 4th 2015 AT 6:30 PM
LOCATION: WILLSBORO TOWN HALL

Present: Supervisor, Shaun Gilliland, Councilors: Charles Lustig, Lorilee Sheehan, Steve Benway, and Lane Sayward.

Guests: Win Belanger, Travis Crowningshield, Polly Belanger, Greg Gordon, Vic Putnam, Justin Drinkwine, Scott Allen, Rob Bruno, Barbara Paye, Doug Rock, Ed Smith, Krissy Leerkes, Pete Sowizdrzal, Caro DeMello, Robert DeMello.

Supervisor, Shaun Gilliland called the meeting to order at 6:30 P.M.

The board recited the Pledge of Allegiance.

Public Hearing: Proposed Zoning Local Law

Remarks: Scott Allen briefed the town board and public on the steps that were taken to get to the draft zoning local law. He briefed on the major changes that were done on the local law.

Public Comment: Supervisor Gilliland stated that he has a few correspondences on file. Members of the public spoke and provided documentation. See attached documents.

Close Public Hearing: Supervisor Gilliland closed the public hearing at 6:58pm.

Public Hearing: Willsboro 2016 Town Budget

Remarks: Supervisor Gilliland briefed the board on the budget changes. We are below the .73 percent. He has received an agreement from Essex to share the cost of a new senior van. Supervisor Gilliland was able to amend the highway lines and Travis is okay with his numbers. We will need to change the numbers a little since the EMS district was approved.

Public Comment: Win asked if we are sharing the cost of the van, why isn't it an even split? Supervisor Gilliland stated that he put a higher number in to just be safe. Win wanted to commend everyone on the workshops and how great they went. Also, the highway superintendent did great on cutting the lines. Win also stated that the town council, and supervisor don't make enough money and he would like to see those numbers higher.

Lane asked about the library, if that was going to be changed? Supervisor Gilliland stated that is an error and he will correct that.

Close Public Hearing: Supervisor Gilliland closed the public hearing at 7:05pm.

Supervisor Gilliland opened the regular Town Board Meeting at 7:06pm.

Review of the Minutes: Supervisor Gilliland called for a motion to approve the minutes of the October 14, 2015 regular Board meeting. Steve Benway noted that on streambank report extended to September should be till September 2016. And on page 3 the tentative budget was if we tend to break the tax cap we would need to pass local law. We need to do that soon. Steve Benway moved. Lorilee Sheehan seconded. All in favor and the motion carried.

Reports:

Correspondence: Nothing

County: 2016 Budget we are in the 5 year plan which we are in the 3rd year of. We are expecting to have a 9 percent county tax increase. Many of the Supervisors are aiming to have a 7 percent increase but this is all part of the plan to get the reserve funds and FUND balance back up to where they should be. Our tax rate is still under what it was in 2002.

Town: EMS District: We went through the proposed contract. We talked about a proposed contract. He will draw up a draft and submit it to the EMS squad and see if they approve. Most of the things we agree on. We will look for legal review as well.

Seasonal Water District: MP&R RFP we have the responses, will discuss later on.

RSVP: Would like to work out of the office at the VIC. They will get back to us on the use.

Transfer station report: Supervisor Gardner from Town of Essex reported that we are in the black.

Streambank: They came up with a lot of contaminated soil that is sitting on the ground. The soil is sitting on the ground and is blocking them from being able to finish up the work. DEC came down and said it belongs to Georgia Pacific. They have done testing. There is nothing that is horribly dangerous but it will be contaminated forever. We will have to have on paper who the generator is on that so we need to get that completed.

Warrant: Codia will be back on Tuesday.

Steve Benway moved to approve the warrant. Steve Benway moved. Charles Lustig seconded. Roll call: Benway, Sayward, Sheehan, Lustig, Gilliland.

TOWN CLERK: Supervisor Gilliland called for a motion to accept the Town Clerks report. Lane Sayward moved. Lorilee Sheehan seconded. All in favor and the motion carried.

HIGHWAY: We are painting one of the boxes on the older tandem and the little work truck. We are still picking up leaves out of the ditches. The last three water leaks have been at night and Travis would like to purchase some safety lighting. He has a quote from one company on safety lights. We worked the first two nights under a mag light. We borrowed lights from the fire house. We ran two on the hole. One inside and one on the outside. Those lights worked great and Travis would like to purchase them. We have no lights for traffic control either. Travis is recommending we purchase

two flagman lights and two battery pack lights and flashlights. The quote is \$1600.70. This is a safety issue and it needs to be fixed. Bob said that he would work it into his budget so water can purchase one light. Steve would like to see us look for a used light tower unit in addition to these lights. **Charles Lustig moved to authorize MES quote. Steve Benway seconded. Roll Call: Benway, Sayward, Sheehan, Lustig, Gilliland. All in favor and the motion carried.** Travis has a bill from Babbies work shop. It was faxed over but Travis had an issue with his fax machine and he would like to have that approved. Shaun stated that the tractor does great. Travis says that we are saving a lot of man hours with this tractor. He wants to finish our roads first and hold off on the county. If we don't get snow right off then we will go out and help the county. **Supervisor Gilliland called for a motion to pay David Babbie. Lane Sayward moved. Charles Lustig seconded. Roll call: Benway Sayward, Sheehan, Lustig, Gilliland. All in favor and the motion carried.**

Travis asked if he can get a second phone line added to our contract. We need to check on the contract. Charles Lustig recommended that we get them scanned over. Travis stated that his only issue with his fax not working is with DIG safe. We won't get these requests. These all come through as faxes.

Youth Commission: last soccer game was in Ti. The season was great. We are in the process of looking for basketball coaches. Our county meeting is November 16th. Jennifer Leibeck will be attending that meeting. The youth commission is asking that all letters be sent to Justin Drinwine for the coaches by November 24th. They will be reviewed and chosen. They are hoping to start in December. Jen has been in touch will some people for the ads. We would like to put an ad out for members of the youth commission.

Parks: Ashley and Justin are working on the community garden. MLS would like to work with us to help build this and 4-H as well. All donations would go to the food self and the nutrition site and use the fresh veggies at the youth commission. Justin is working on scheduling the snowshoe nights. We are in contact with other communities and they would like to host some as well. CATS would also like to join. We will be doing the crafts and cookies with Santa again at the fire house.

Golf Course: we improved our revenue. We are about 9 thousand in the black. We are working on the management piece to try and make some more money. Justin is thinking that the manager will work in the club house in the mornings. Justin said that he would also go over in the morning and then be back to the town hall at 9.

Supervisor Gilliland stated that we are trying to increase hours for the public to access the Town Hall. So on Wednesdays after the New Year we will be open on Wednesdays till 7. We will see how it goes and if we don't have a flow we will go back to regular hours.

Old Business:

- 1. Motion to set date for public hearing: Override Tax Cap Adopt Final Budget: We are under the tax cap. Supervisor Gilliland called for a motion to set a public hearing on November 18th, 2015 at 6:30pm Charles Lustig moved. Lorikee Sheehan seconded. All in favor and the motion carried. We will do the adoption of the final budget at that time as well. Motion to amend to 6:30 pm on the 19th of November at the Willsboro Visitor**

Center. Lane Sayward moved. Steve Benway seconded. All in favor and the motion carried.

2. Ambulance District Motion order to Establish:

WILLSBORO TOWN BOARD
FINAL ORDER ESTABLISHING
TOWN-WIDE AMBULANCE DISTRICT

WHEREAS, the Willsboro Town Board wishes to form a Town-wide Ambulance District in accordance with Article 12-A of New York Town Law for the purpose of providing emergency medical and ambulance services within the Town; and

WHEREAS, the Town Board adopted a Resolution authorizing the preparation of a map, plan and report for the purpose of analyzing the formation of the District; and

WHEREAS, a Map, Plan and Report was prepared concerning the proposed District and was filed in the Town Clerk's Office and made available for public inspection; and

WHEREAS, the Map, Plan and Report describes the boundaries of the proposed District, the proposed method of operation, the maximum amount proposed to be expended for the ambulance services and the cost of the proposed District to the typical property and, if different, the typical one or two family home; and

WHEREAS, establishment of the proposed District was determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and a SEQRA Short Environmental Assessment Form (EAF) was prepared for the proposed District; and

WHEREAS, on July 8th, 2015, subsequent to the filing of the Map, Plan and Report with the Town Clerk, the Town Board adopted an Order reciting (a) the boundaries of the proposed District being the Town's borders; (b) the proposed services and proposed method of operation; (c) the maximum amount proposed to be expended for the services; (d) the cost of the District to the typical property and the typical one or two family home (if not the typical property); (e) that no capital improvements are anticipated for the proposed District and, therefore, no financing will be employed; (f) the fact that a Map, Plan and Report describing the proposed District, services and capital improvements is on file in the Town Clerk's Office; and (g) the time and place of a public hearing on the proposed District; and

WHEREAS, copies of the Public Hearing Order were duly published and posted and were filed with the Office of the State Comptroller, all as required by law; and

WHEREAS, prior to publication of the Public Hearing Order, a detailed explanation of how the estimated costs of the District to the typical property and typical one or two family home (if not the typical property) were computed was filed with the Town Clerk for public inspection as part of the Map, Plan and Report; and

WHEREAS, a public hearing on the proposed Ambulance District was duly held on Sept. 30th, 2015 and the Town Board has considered the evidence given together with other information; and

3.

WHEREAS, on August 12, 2015 the Town Board adopted a Resolution determining that providing of the services described in the Map, Plan and Report will not have a significant adverse impact on the environment and authorizing the filing of the completed SEQRA Short EAF as a SEQRA Negative Declaration – Notice of Determination of Non-Significance regarding the action; and

WHEREAS, on Sept. 9, 2015 the Town Board adopted a Resolution determining that (a) the notice of Public Hearing was published and posted as required by law and was otherwise sufficient, (b) all of the property and property owners within the proposed District would be benefited thereby, (c) all of the property and property owners benefited are included within the boundaries of the proposed District and (d) the establishment of the District as therein described is in the public interest, and approving the establishment of the District as the boundaries are set forth in the Map, Plan and Report subject to permissive referendum in the manner provided in Town Law Article 7; and

WHEREAS, the Town Board exercised its authority to make the formation of the Ambulance District subject to public referendum; and

WHEREAS, such referendum was held on Tuesday, November 3, 2015 and the Ambulance District formation was approved by the Town's voters; and

WHEREAS, the permission of the State Comptroller is not required pursuant to Town Law Section 209-f;

NOW, THEREFORE, IT IS HEREBY

ORDERED, that the Town of Willsboro Town-wide Ambulance District be established as described in the Map, Plan and Report and the services described in the Map, Plan and Report be provided upon the required funds being made available or provided for; and it is

FURTHER ORDERED, that the Willsboro Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be duly recorded in the office of the County Clerk in the time and manner required by law; and it is

FURTHER ORDERED, that the Willsboro Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be filed in the office of the State Department of Audit and Control in the time and manner required by law.

Duly adopted this 4th day of November, 2015, by the following vote:

AYES : Benway, Sayward, Sheehan, Lustig, Gilliland
NOES :
ABSENT :

N:\Clients\WILLSBOROVAMBULANCE DISTRICT\FINAL ORDER.docx


Bridget Brown
Town Clerk

Supervisor Gilliland called for a motion Charles Lustig moved. Lane Sayward seconded. Roll call: Benway, Sayward, Sheehan, Lustig, Gilliland. All in favor and the motion carried.

4. RFP MP&R selection: All the reports are available for inspection. The two lowest quotes were from Doug Ferris and AEDA. There were differences on this and Shaun went to Doug Ferris to make sure that we were comparing apple to apple and to make sure we were on the same page. He is lower with a rate of about \$4,200.00. Supervisor Gilliland's recommendation and he had discussed with Steve and Lorilee would be to accept Doug Ferris's RFP for the map, plan, and report and the funds to come from the general fund balance. Which has a balance of \$160112.23. We need to wait 30 days to see if anyone objects. We will have to wait and see if there is any petitions for a permissive referendum. **Charles Lustig moved. Lorilee Sheehan asked on the original bill that was 7660 and the other company was \$4309. She asked if Earth Science Engineering had a second chance and was able to compare the quotes. Supervisor Gilliland stated that he didn't see the AEDA quote. Her other concern is that we contract with Doug Ferris and get new letter head to replace this. Lorilee Sheehan seconded. Roll Call: Benway abstain. Sayward, Sheehan, Lustig, Gilliland. All in favor and the motion carried.**

5. Streambank project additional work: Supervisor Gilliland stated that he has a proposal from ESPC for the streambank for the additional work that needs to be done between now and 2016. Sheehan and Sons came in a lot lower and there is more money there to be used.

There are some sections they have found hazardous materials. Supervisor Gilliland would like to look at this closer and see if they will submit an amended proposal.

6. **Noblewood heating system:** Justin called a few places. Some people never got back to him. We received another proposal on the heating system. Gardner came back with oil that was \$13,000 and propane was \$9,000. Hances Heating and Plumbing was around \$10,000 on the monitors. We need to take \$700.00 off the price since we are tax exempt. Some of the concerns that were brought in were the heaters in the bathrooms, who was going to do the electric into the panel box. We will hold off on making a decision until our next meeting.
7. **DEC Disinfection Grant contract:** We received the grant from DEC in the amount of \$130,614.83. This will be tied in to the sewer district rebuild system. **Supervisor Gilliland called for a motion to sign the DEC contract. Lorilee Sheehan moved. Charles Lustig seconded. Roll call: Benway, Sayward, Sheehan, Lustig, Gilliland. All in favor and the motion carried.**

New Business:

1. Justice phone- AT&Tmobile: The justices have been having issues with hearing on their phone. We are going to try and get someone to come in and look at the line. However this is all part of this system we are locked into. Supervisor Gilliland recommended that we add a new line on our ATT plan and get them a cheap phone. They have been starting to do an on call hours and they could carry this with them as well. Charles Lustig moved. Lorilee Sheehan seconded. Roll call: Benway, Sayward, Sheehan, Lustig, Gilliland. All in favor and the motion carried.
2. Refund water/sewer to Karen Lindsay: This was a mistake at the county level and it should have been corrected. We were billing on the two parcels that was combined into one parcel back in 2014. They are looking for a refund for 2014 to current. Dave has provided documentation to show this was an error. Charles Lustig moved to refund the money. Lane Sayward seconded. Roll call: Benway, Sayward, Sheehan. Lustig, Gilliland. All in favor and the motion carried.
3. Water Meter Engineering report: We still have the money for the meters. We were hoping to have a proposal on this. We will bring this back up in two weeks.

Motion Comments from the board: Steve Benway asked for Justice Morgan that they have asked to move the court downstairs. The clerks were willing to get the money to move the system to the basement. We would need to add another entrance in order to do this. Motion to support the applying for the grant. Lane Sayward moved to apply. Lorilee Sheehan seconded. All in favor and the motion carried.

Motion comments from the public: Ed Smith asked the question on the ballot, where is the money coming from? Supervisor Gilliland stated that it's the property owner that would be paying. Robert Bruno stated that we currently have one opening on the zoning and one alternate if we can advertise. Win Belanger: the mowing of the roads great job. And just as an FYI as you turn from Middle Road onto Coonrod Rd. they cut a tree down and there is a lot of wood left there. Win asked if the town has the right to move the wood or if the property owner is? He is just concerned with the new mower it might damage it. The RSVP is that with the office of the aging? Shaun stated that they are from Port Henry. It would allow them to have access to the upper end of the county. Win is

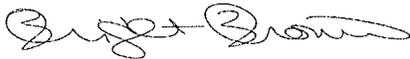
against it. This office should be used for the person sitting at the VIC. Heating at Noblewood, we should keep reaching out to people. The food shelf and donations, they are looking for donations to supply Elizabethtown and Willsboro. However the Willsboro Food Shelf doesn't get anything from that and would like to see the ad moved. The golf course in Westport is under new management maybe we should talk to them.

Barbara Paye the VIC this is for visitors and that should be our focus. We need to allow people to come in and visit. She has no problem with RSVP using the office. Day meetings is hard because that does tie up for visitors to come and visit.

ADJOURNMENT -

Supervisor Gilliland called for a motion to adjourn the meeting. Charlie Lustig moved to adjourn. Unanimous second.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Bridget Brown".

Bridget Brown, Town Clerk

Date: November 2, 2015
To: Town Clerk: Bridget Brown
Subject: Comments for the Public Hearing scheduled for Wednesday, November 4, 2015 on the new Zoning Law

I have reviewed portions of the proposed Zoning Law and have the following comments:

Definition of Subdivision, Minor

The definition of "Subdivision, Minor" is really the definition of "Minor Division" (aka boundary line adjustment). This error was carried over from the existing Zoning Ordinance and should be corrected.

Section 4.32

This section is entitled Minor Subdivision but it describes a "Minor Division" (aka boundary line adjustment). The section should either be (i) corrected in the new Zoning Law or (ii) deleted and made part of the Town's subdivision regulations.

Section 12.14

1. This section gives the Planning Board the power to "hear and decide appeals". The power to "hear and decide appeals" should solely be the duty and responsibility of the Zoning Board of Appeals.
2. The enumerated duties of the Planning Board in section 12.14 should be expanded to include approval of subdivisions or any other duties assigned to the Planning Board by this or any other law or ordinance of the Town of Willsboro.

I urge the Town to fix these deficiencies in the proposed Zoning Law before its adoption.

Thank you for your attention,



Robert de Mello
405 Corlear Dr.
Willsboro, NY 12996

Questions and Comments re Proposed Zoning Law

by Carol de Mello, Barbara Paye
November 2, 2015

DEFINITIONS

Request that the following definitions be added back into the Law with the appropriate referrals as the "definition" (i.e., Club, Membership—see Membership Club including Fish & Game, Rod & Gun).

Club Membership (see example above)
Dude Ranch—see Group Camps

For clarification, add definitions for the following:

Required Yard Area—is it the area defined by setback requirements of the district, or is it the area defined as in "yard"? See attached illustration.
Subdivision, Major

With regards to Retaining Wall—further define how the square footage is measured for lot coverage—"face square footage" is the way I believe the APA defines it when considering encroachment of the waterfront setback.

Subdivision, Minor—this definition seems to fit "Minor Division" as generally the purpose of subdividing a lot would be to create "buildable lots," and the Planning Board currently practices such making the distinction of major and minor by the number of lots and scope of project.

SECTION 3.20 PURPOSES OF DISTRICTS

RM-3 add the word "of" to the first part of the definition:

"Defines those areas of residential use together with limited retail stores..."

SC—the last four bullets should be indented further as they all pertain to "Severely limit development in order to:".

MAP--Too small to be useful; layout should be changed. Also, don't see the FH overlay.

SECTION 3.46 SUBDIVIDED LAND AND NEW LOT LINES

Seems like a word is missing; if not, consider rewording for clarification.

SECTION 4.10 SCHEDULES OF USE AND AREA REGULATIONS

HC-1 Under Principal Permitted Uses: Manufactured Home is missing.

IC "42 acres" has been added as the minimum lot size; there was no discussion of this addition at the ZAAC meetings and wonder if it is just a typo as it is the regulation in the next category (LC-A).

RM-1 Under Agricultural Use—should it read "(provided such uses are engaged in solely for the consumption by residents of the property and not for commercial purposes)"? (not "of")

RR Question—why "Farm machinery or equipment sales, service, or rental" now categorized as "Agricultural Service Use" was eliminated as a Special Use?

SECTION 4.32 Minor Subdivision

This action seems to relate to a Minor Division rather than Subdivision.

SECTION 5.15, No. 5 Utilities and Service Facilities

Typo? There is an a. and b. but reads as one paragraph, so we think "b." should be deleted.

SECTION 5.22 REVIEWED BY THE PLANNING BOARD

It makes more sense if the title reads "Review by the Planning Board."

SECTION 5.30 TRANSITION AREAS

Goes directly to 5.32; seems odd to have no 5.31—was something left out?

SECTION 5.42 YARD REGULATIONS

No. 4: It would be easier to understand by saying:

"An accessory building may be located not less than 10 feet from any side or rear lot line, or in such a fashion as to prevent emergency access."

Again, a definition of "required yard" needs to be established before allowing the remaining sentence: "An accessory building may NOT protrude into the minimum required front yard." (See attached Illustration.)

SECTION 5.52 LOCATION OF DETACHED ACCESSORY BUILDINGS IN REQUIRED YARD AREA

Again, need definition of "Required Yard Area."

Nos. 1 and 2 appear to be redundant to No. 4 of Section 5.42. (And, if to be listed in both places, I again suggest rewording no. 1).

SECTION 6.12 SETBACK FROM THE SHORELINE, LOT WIDTH AND SIDE YARDS

Typo in the table For All Shoreline Properties: "90 to 125" should read "90 to 124" as the rest of the table is formatted.

SECTION 8.13 APPLICATION

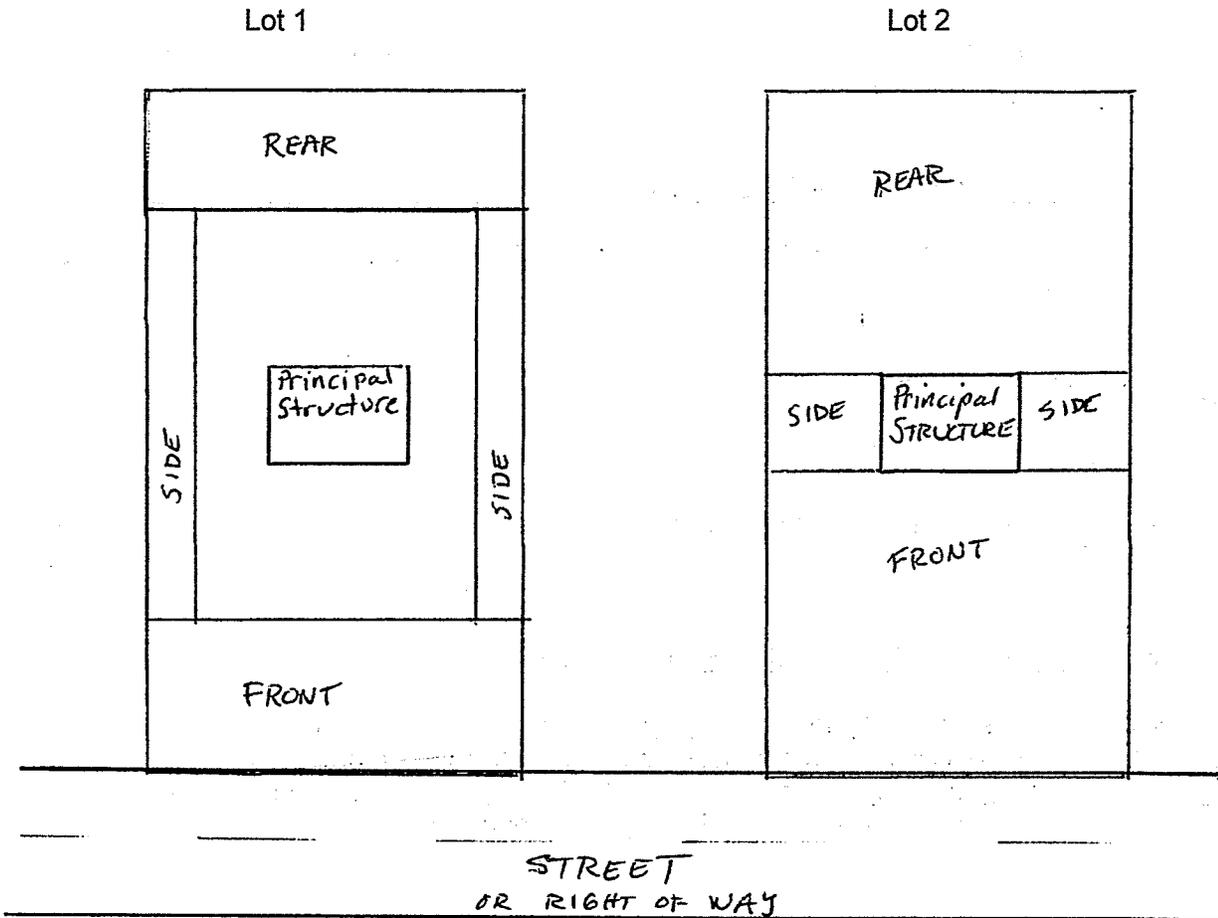
First sentence—seems like the word "be" is missing:

"If the owner makes written application for the use of this procedure, it may be followed at the discretion..."

SECTION 12.14 POWERS AND DUTIES (of the Planning Board)

Eliminate second sentence: "The Board shall hear and decide appeals from and review any order, requirement, decision or determination made by the Code Enforcement Officer or other officer administering this Law." This is a duty of the Zoning Board of Appeals as stated in Section 15.15 Powers and Duties (of the Zoning Board of Appeals).

Illustration of Possible "Required Yards" Interpretations



Lot 1 depicts setbacks as defined in Section 4.10—Schedules of Use and Area Regulations

Lot 2 depicts yard boundaries as defined in Article 2—Definitions

Which of these accurately illustrates "Required Yard"?

The ZBA has recently acted upon variance requests requiring interpretation of "required side/rear yard." According to the current Ordinance, we felt that Lot 2 was the proper way to interpret "Required Yard Area." However, the intent of the ZAAC committee with regards to accessory structures in the front yard was as pictured in Lot 1 above for the new Law. (Section 5.52, No. 2 reads "An accessory building may not protrude beyond the front yard setback area.")

Date November 4, 2015
To: Town Clerk: Bridget Brown, Town Supervisor: Shaun Gilliland, and Town Board Members
Subject: Comments for the Public Hearing scheduled for November 4th, 2015

I have reviewed the proposed draft Zoning Law and have the following comments and concerns:

Throughout the Proposed Law the term "Vegetation" is used 35 times in numerous recommendations and regulations and yet there is no definition describing what this means. This has led to several problems in the past as it left to varying interpretations.

To avoid future problems a description of vegetation should be added to Article II Definitions.

I am also opposed to the changes in the proposed Law as they apply to the restriction to the use and placement of manufactured homes. As proposed, they are not considered as single family dwellings and are not allowed for use in within 500' of any lakefront even if the parcel is not a waterfront lot. This was further applied to campgrounds. The 500' shorefront area is already part of the "Lakefront Overlay "district as proposed and would require a site plan review for any new development.

This restriction and related changes are redundant, arbitrary, and excessive. Furthermore, they were not approved by the ZAAC as part of the proposed Zoning Law. They were included as possible changes leaving the decision to the Town Board.

Other unintended adverse impacts of these changes are reflected in the use of accessory structures and seasonal dwelling use of manufactured homes town wide. The Compressive Plan identified the need for affordable housing in town and these shoreline areas should not be expressly excluded.

I ask that consideration be given to:

The addition of a vegetation description and
Removing the new restrictions on manufactured homes and campgrounds,
before the Zoning Law is adopted.

Thank you,



Edward F. Smith
380 Bay Ln
Willsboro, NY 12996

DATE: November 4, 2015
TO: Town of Willsboro
FROM: Carol de Mello
SUBJECT: Objection to New Regulations re: Manufactured Homes in the Proposed Zoning Law of 2015

Specifically, the new Proposed Zoning Law now allows manufactured homes to be placed in all districts with the exception of GB (General Business), HC-2 (Highway Commercial 2 at Long Pond) and IC (Island Conservation). The existing ordinance allows manufactured homes in the following districts:

- HC-1 Highway Commercial
- LC-A Land Conservation—Agriculture
- RM-1 Residential—Medium Density—only North of Rt. 22
- RM-2 Residential—Medium Density
- RM-3 Residential—Medium Density
- RM-M Residential—Medium Density—Manufactured Homes
- RR—Residential—Rural Density

To this, the following districts were added:

- LC-R Land Conservation—River
- LC-W Land Conservation—Woodland
- RL-1 Residential Low Density (currently allowed only in the RL-1 area south of the Boquet River in Town; not on the shoreline or Point—see map)
- RL-2 Residential Low Density
- RL-3 Residential Low Density
- RL-5 Residential Very Low Density
- RM-1 Residential—Medium Density—the entire district

With the following restriction: No Manufactured Homes are allowed with 500 feet of lakefront and while this restriction appears to apply to district LC-R, the actual language of Section 5.12 reads as follows:

“No manufactured home, manufactured home park or campground may be located on or within five-hundred (500) feet of any lakefront.”

If the intent is to include the River corridor, suggest adding “and waterfront.”

Further, is it a typo that Manufactured Homes is not listed as a permitted use in HC-1 (Highway Commercial 1 as the original ordinance and proposed draft of 10-24-2014 included it?

The ZAAC committee charged with reviewing and rewriting the Ordinance was deeply divided on this subject and not all members were in attendance when voting on whether to make these changes. I feel that the ZAAC committee did not fully explore the consequences of allowing manufactured homes in most districts. Further consideration should be given to the following:

- 1) Decrease in tax base. My research has shown that many communities reduce the assessed value of the property as the manufactured home depreciates in value. This puts the burden of the property taxes on everyone else in the community.
- 2) There is the possibility of further decrease in the tax base because Willsboro will cease to attract more substantial single family dwellings because they don't want to live next door to a single-wide manufactured home. (Personally, we recently had difficulty selling our lakefront property because of an aging single-wide next door placed pre-Ordinance.)
- 3) The ZAAC did not look at the "Purposes" of each district which speak to the intended character of such district; nor was consideration of any recommendations from the Comprehensive Plan.
- 4) Unfortunately, there exists in our town and many others nearby, the fact that manufactured homes do not last as long as stick-built homes (or modular) and require much more maintenance which often becomes a burden to the owners.
- 5) If you take LC-W out of the equation, the current zoning has a generous amount of property suited for manufactured homes. (See attached map.)

Suggestions for balancing manufactured housing in Willsboro:

- 1) Restore original district restrictions for placement of manufactured homes and allow expansion to include all of RM-1 or remove it altogether.
- 2) Enact regulations for siting a manufactured home. As I looked at other town zoning laws, I found regulations for putting them on a lot (no stacked blocks, etc.); how they must be skirted, etc. These regulations only appear in our new Proposed Law in the section on Manufactured Home Parks, not for Manufactured Homes on private lots.
- 3) Distinguish between single wide manufactured houses and double wide. Consider allowing uses in different districts, or have an overlay district as in the Town of Peru. Their stated objective for a manufactured overlay district is as follows:

"1. Objective: That manufactured homes provide an alternative solution for housing compared to conventionally built housing and meet a housing need. That to meet the aforesaid housing need and to preserve the property values of all property owners, it is desirable to adopt regulations governing the location and installation of manufactured homes." (From Peru Zoning Law, October 2013)

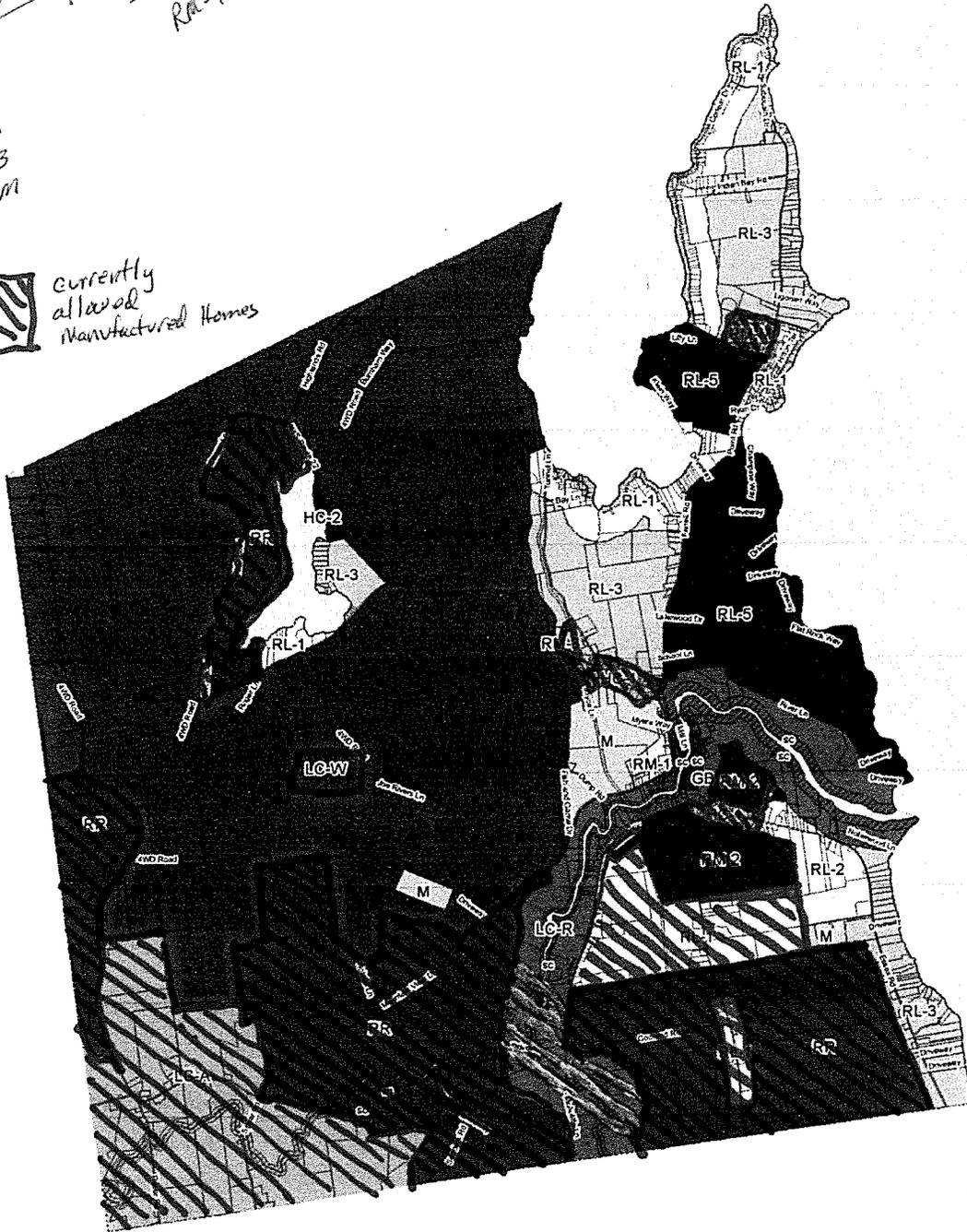
- 4) Require Special Use Permits, Public Hearings, and/or Site Plan review in any new districts rather than just allowing them as Permitted Principles.

Existing Permitted Use: ✓
 Special Use: RA-1 - only N of 22

- ✓ HC-1
- LC-A
- RM-2
- RA-3
- RAI-M
- RR



Currently allowed Manufactured Homes



0



12

Map of Existing Ordinance Allowing Manufactured Homes in areas of red.

Peter S. Paine, Jr.
ATTORNEY AT LAW

3900 NYS ROUTE 22
WILLSBORO, N.Y. 12996
(518) 963-7518 (PHONE)
(518) 963-4292 (FAX)

November 3, 2015

Shaun Gilliland, Supervisor
Town of Willsboro
P.O. Box 370
Willsboro, NY 12996

Re: Willsboro Zoning Ordinance

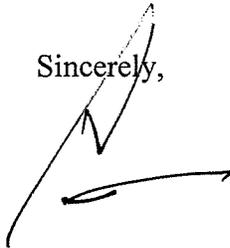
Dear Shaun,

Unfortunately, I won't be able to make the public hearing tomorrow as I am in New York attending a Board meeting of the Adirondack nature Conservancy.

Generally, I think a very commendable job has been done in updating this ordinance. I have one comment, however, regarding the Ridge Line Area.

As proposed, the Ridge Line Area is only down to 100' below the Ridge Line. First of all, it needs to be made clear that this 100' is measured vertically and not along the ground. Secondly, I respectfully suggest that the 100' is inadequate to achieve the commendable purposes of Article 7 – Ridge Line Areas and Clear Cutting Protection. I would recommend that the 100' delineation be at least doubled to 200'.

Sincerely,

A handwritten signature in black ink, appearing to be 'PSP', with a horizontal line underneath it.

PSP, Jr.:cjm

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Re: Review of Proposed Zoning Law

From: **Barbara Paye** (76bobbibrad@gmail.com)
Sent: Tue 11/03/15 10:55 AM
To: Carol (c3s2mello@gmail.com); Barbara Bobbi Paye (76bobbibrad@gmail.com)
Cc: Doug Rock (codes@willex.com); Ashley Blanchard (dptytownclerk@willex.com); Peter Sowizdrzal (petesowiz@hotmail.com); Robert Bruno (rbbruno7@gmail.com); <jwm12996@yahoo.com> (jwm12996@yahoo.com); Scott Allen (scottallen@aesnortheast.com); Shaun Gilliland, Town Supervisor (willsborosupervisor@willex.com)

In addition to what Carol recorded above that she, and Bob and myself found while reviewing the Proposed Zoning Law to come before a Public Hearing tomorrow night, I would like to bring forth the following items for consideration:

Since Minor Home Occupation is missing in most classifications under special use, is it presumed to be an allowed use?

I am concerned that Major Home Occupations are being allowed as a special use in the Lake Front Overlay as that district states that it is the same as the underlying zoning district. And RL1, which encompasses Lake Front Overlays on Willsboro Point and Long Pond as well as other areas along the Essex Road, have vast differences.

Under 4.23 Existing Undersized Lots - why did we eliminate standards for a lot sewage, disposal system?

Also 5.87 #3 "5 feet from public right away boundary" Shouldn't that be "public highway right away boundary?"

I request that Carol's e-mail list dated 11/02/15 of questions and comments and these concerns be attached to any written record of the Public Hearing minutes,

Thank you,

Barbara Paye

On Mon, Nov 2, 2015 at 3:07 PM, Carol <c3s2mello@gmail.com> wrote:

Hi Doug,

Bobbie Paye and I reviewed almost all of the new Proposed Zoning Law, and Bob de Mello reviewed the remaining sections. Attached are questions and comments we had about the new document.

Some of our questions may just be typos of one sort or another. However, being members of the ZBA, we feel strongly that our request for the definitions of "Required Yard" and

"Subdivision, Major" be considered for inclusion into the new Law. Also, there is a question about Section 4.32 which was about "minor divisions" in the old Ordinance, and now reads "minor subdivision" (again not fitting the definition).

We feel that correcting the subject of "Required Yard" both in Definitions and Yard Regulations will clarify and provide consistent interpretation for current and future members of the ZBA .

The other major thing to look at is Section 12.14 Powers and Duties of the Planning Board; I believe a cut-and-paste error has been made and should be corrected before adoption.

Should I send a copy of this to Bridget for inclusion at the Public Hearing?

Thanks,
Carol

Questions and Comments re Proposed Zoning Law

by Carol de Mello, Barbara Paye
November 2, 2015

DEFINITIONS

Request that the following definitions be added back into the Law with the appropriate referrals as the "definition" (i.e., Club, Membership—see Membership Club including Fish & Game, Rod & Gun).

Club Membership (see example above)
Dude Ranch—see Group Camps

For clarification, add definitions for the following:

Required Yard Area—is it the area defined by setback requirements of the district, or is it the area defined as in "yard"? See attached illustration.

Subdivision, Major

With regards to Retaining Wall—further define how the square footage is measured for lot coverage—"face square footage" is the way I believe the APA defines it when considering encroachment of the waterfront setback.

Subdivision, Minor—this definition seems to fit "Minor Division" as generally the purpose of subdividing a lot would be to create "buildable lots," and the Planning Board currently practices such making the distinction of major and minor by the number of lots and scope of project.

SECTION 3.20 PURPOSES OF DISTRICTS

RM-3 add the word "of" to the first part of the definition:

"Defines those areas of residential use together with limited retail stores..."

SC—the last four bullets should be indented further as they all pertain to "Severely limit development in order to:".

MAP--Too small to be useful; layout should be changed. Also, don't see the FH overlay.

SECTION 3.46 SUBDIVIDED LAND AND NEW LOT LINES

Seems like a word is missing; if not, consider rewording for clarification.

SECTION 4.10 SCHEDULES OF USE AND AREA REGULATIONS

HC-1 Under Principal Permitted Uses: Manufactured Home is missing.

IC "42 acres" has been added as the minimum lot size; there was no discussion of this addition at the ZAAC meetings and wonder if it is just a typo as it is the regulation in the next category (LC-A).

RM-1 Under Agricultural Use—should it read "(provided such uses are engaged in solely for the consumption by residents of the property and not for commercial purposes)"? (not "of")

RR Question--why "Farm machinery or equipment sales, service, or rental" now categorized as "Agricultural Service Use" was eliminated as a Special Use?

SECTION 4.32 Minor Subdivision

This action seems to relate to a Minor Division rather than Subdivision.

SECTION 5.15, No. 5 Utilities and Service Facilities

Typo? There is an a. and b. but reads as one paragraph, so we think "b." should be deleted.

SECTION 5.22 REVIEWED BY THE PLANNING BOARD

It makes more sense if the title reads "Review by the Planning Board."

SECTION 5.30 TRANSITION AREAS

Goes directly to 5.32; seems odd to have no 5.31—was something left out?

SECTION 5.42 YARD REGULATIONS

No. 4: It would be easier to understand by saying:

"An accessory building may be located not less than 10 feet from any side or rear lot line, or in such a fashion as to prevent emergency access."

Again, a definition of "required yard" needs to be established before allowing the remaining sentence: "An accessory building may NOT protrude into the minimum required front yard." (See attached Illustration.)

SECTION 5.52 LOCATION OF DETACHED ACCESSORY BUILDINGS IN REQUIRED YARD AREA

Again, need definition of "Required Yard Area."

Nos. 1 and 2 appear to be redundant to No. 4 of Section 5.42. (And, if to be listed in both places, I again suggest rewording no. 1).

SECTION 6.12 SETBACK FROM THE SHORELINE, LOT WIDTH AND SIDE YARDS

Typo in the table For All Shoreline Properties: "90 to 125" should read "90 to 124" as the rest of the table is formatted.

SECTION 8.13 APPLICATION

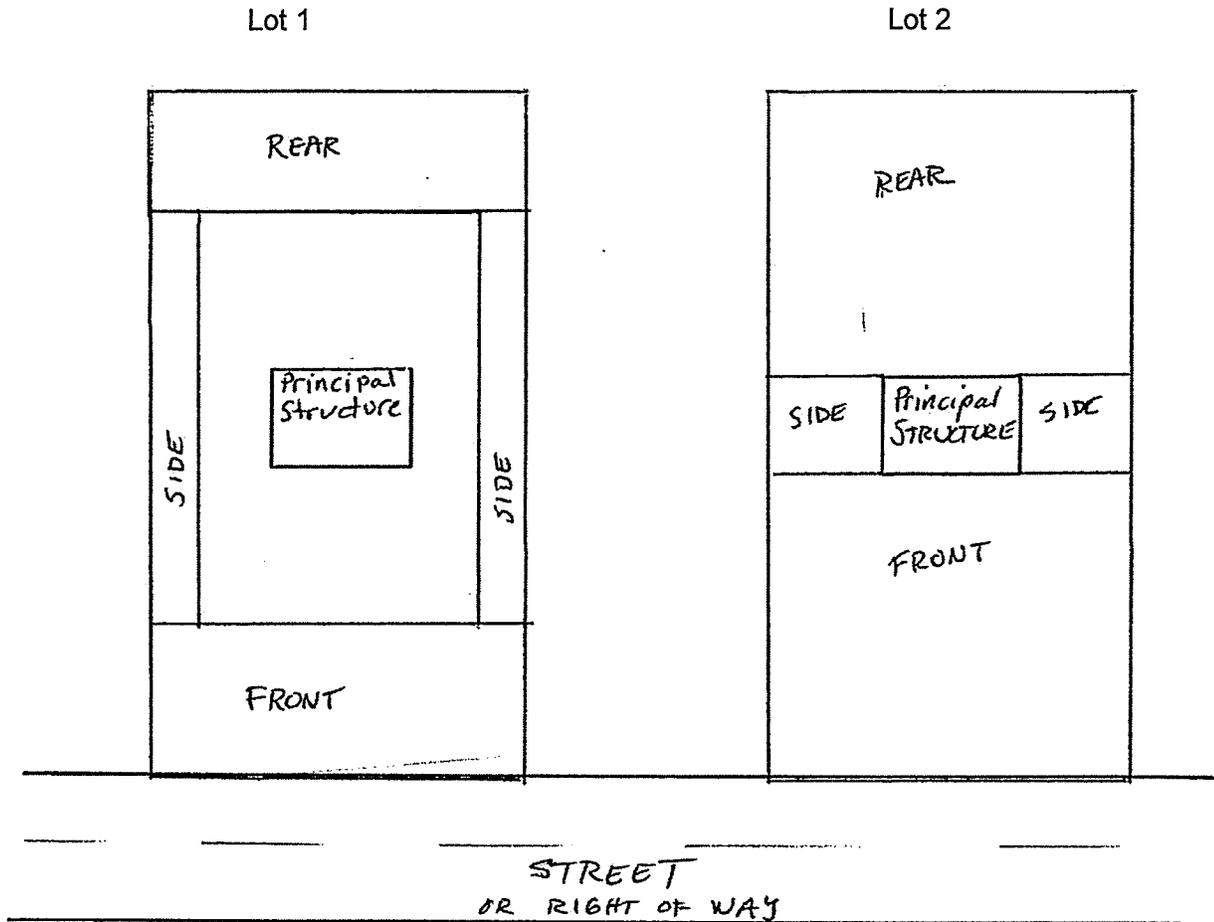
First sentence—seems like the word "be" is missing:

"If the owner makes written application for the use of this procedure, it may be followed at the discretion..."

SECTION 12.14 POWERS AND DUTIES (of the Planning Board)

Eliminate second sentence: "The Board shall hear and decide appeals from and review any order, requirement, decision or determination made by the Code Enforcement Officer or other officer administering this Law." This is a duty of the Zoning Board of Appeals as stated in Section 15.15 Powers and Duties (of the Zoning Board of Appeals).

Illustration of Possible "Required Yards" Interpretations



Lot 1 depicts setbacks as defined in
in Section 4.10—Schedules of Use and
Area Regulations

Lot 2 depicts yard boundaries as
defined in Article 2—Definitions

Which of these accurately illustrates "Required Yard"?

The ZBA has recently acted upon variance requests requiring interpretation of "required side/rear yard." According to the current Ordinance, we felt that Lot 2 was the proper way to interpret "Required Yard Area." However, the intent of the ZAAC committee with regards to accessory structures in the front yard was as pictured in Lot 1 above for the new Law. (Section 5.52, No. 2 reads "An accessory building may not protrude beyond the front yard setback area.")