

Minutes
Town of Essex Planning Board
Regular Meeting
February 18, 2021
7:00 PM

Meeting was held remotely and was recorded. Recording and minutes available at www.essexnewyork.gov.

Call to Order

Chairman Hislop opened the meeting at 7:08 PM.

Attendance:, David Hislop, Gladys Person, Jonathan Pribble, Anita Shapiro, Tom Stransky, Mark Walker, Jacqueline Thomas (Secretary)

Absent: Anh Thu Cunnion

Alternates: Todd Goff, Karol Kempster

Approval of Minutes

On a motion to accept the minutes for the January 5, 2021 Organizational Meeting by Mr. Stransky, seconded by Mrs. Person, and by roll call vote, the motion carries. (Yes 6, No 0, Absent 1 Cunnion)

On a motion to accept the minutes for the January 21, 2021 Public Hearing and Regular Meeting by Mrs. Shapiro, seconded by Mr. Walker, and by roll call vote, the motion carries. (Yes 6, No 0, Absent 1 Cunnion)

Old Business

Tax Map #40.73-2-14.002 – Tom Lambert, Special Use with Site Plan Permit Application to replace addition on house and install new floor in barn at 9 Church Street, Essex

The information requested from Mr. Lambert at the January Planning Board meeting was received. There was a question about the April letter from Mark Buckley, PE regarding the condition of the wall and the time line and need to fix the issue. The bank letter does not show an immediate need for repair. Mr. Lambert explained that he started the work sooner in an attempt to restore the wall before more damage was done. He said the bank time frame was verbal and work was to be done in good faith within one year. He said the first building permit issued in February 2020 was the first attempt to fix the wall. The building permit issued in May 2020 was to add the landing and stairs. The September 2020 building permit was for the demolition of the wall. This permit was issued after the demolition had taken place. The wall was too damaged and couldn't be restored.

Why was the work done without following the correct permitting process when the recommendation from Mr. Buckley was repair or replace within three to five years and then the plan to repair wasn't followed? Mr. Lambert said the attempt was made to repair with less money but plans changed according to Mr. Buckley's second letter dated September 1, 2020.

There was discussion about the building permits written by the former Code Enforcement Officer when he didn't have the authority to issue them. The owner had the permits and proceeded with the project. The historical structure was lost and can't be restored. The project needs to move forward.

It is important to maintain the historical buildings in the hamlet to keep the heritage and meet historical requirements.

The owner needs to consider having a brick finish on the addition to keep the historic look and supply some satisfaction for the loss of the historic structure.

The size of the proposed deck is larger than others in the hamlet. It should be reduced in size to be more appropriate for the location.

The owner may finish the metal roof and install windows, according to the information included in the application packet. There is a question if the siding will need to be complete before the windows can be installed.

The owner will need to research the cost and feasibility of a brick finish for the addition and submit a plan to reduce the size of the deck to be more compatible with the historic hamlet. These items need to be received by March 8, 2021, and will be reviewed at the March 18, 2021 meeting.

This application is tabled until March 18, 2021.

Tax Map #48.76-1-5.000 & 48.76-1-6.000 – Whallonsburg Grange Hall, Special Use Permit Application for new signage at Whitcomb's, 1598 NYS Route 22, Whallonsburg

Jim Kinley explained the signage project, the timeline of work and permit process, and the ZBA decision.

The ZBA issued an Area Variance on January 20, 2021 to approve the signage included in the application packet.

On a motion to approve the project by Mr. Stranksy, seconded by Mr. Walker, and by roll call vote, the motion carries. (Yes 6, No 0, Absent 1 Cunnion)

New Business

Tax Map #40.65-3-4.002 – Copeland Houghton, Special Use Permit Application to open the Old Dock restaurant for the 2021 season at 2752 Essex Road, Essex

Mr. Houghton said that he is reopening the restaurant in 2021 after being closed in 2020 due to Covid-19. He plans to host weddings and events in the off season. The hours of operation will be 11 AM to 11 PM. Weddings will be limited to September and October 2021 and maybe Spring 2022. Weddings and events will start in the early afternoon and no late night events are planned. Off season events will be better for parking options.

On a motion to declare the application complete and set the public hearing for March 18, 2021, by Mr. Walker, seconded by Mr. Pribble, and by roll call vote, the motion carries. (Yes 6, No 0, Absent 1 Cunnion)

Tax Map #40.57-2-1.000 (Residence) & 40.3-2-18.000 (Barn) – Mark Wilcox, Special Use Permit with Site Plan Application to install storm doors and repair chimney brick work on house at 2847 Essex Road, and stabilize and repair barn for storage at 2849 Essex Road, Essex

Mr. Wilcox explained that he is planning to historically restore the barn for storage and a showroom. He intends to use old materials in keeping with the historic structure and keep the same colors. The chimney brick work needs to be repaired on the house. There are no structural changes planned.

On a motion to deem the application complete and waive the public hearing by Mr. Stransky, seconded by Mrs. Shapiro, and by roll call vote, the motion carries. (Yes 6, No 0, Absent 1 Cunnion)

Tax Map #40.73-6-13.100 – Lee & Heather Maxey, Special Use Permit with Site Plan Application to construct a new house and detached garage at 2226 Lake Shore Road, Essex

Mr. Maxey explained the project. He met with ZBA to discuss the total square footage. An Interpretation Variance and possibly an Area Variance will be required if the walk up area is considered in the total square footage. A ZBA decision is needed. ECHO has an easement on the property.

The owners would like to merge the three pieces of property on Bluff Point. The assessor is requesting Planning Board approval. Chairman Hislop will investigate this issue. The owners are in the process of completing a merger deed.

3,000 square feet is the maximum allowed. If the basement is not considered in the calculation then the project is under the maximum. If the basement needs to be included then an area variance is required. If the variance is not approved then the design will be reduced to meet the maximum square footage. The basement is 2,240 square feet.

Jay White, Code & Zoning Officer, discussed the square footage with the town attorney and the ZBA chairman. Since the basement will be finished and considered livable space it will need to be included in the square footage calculation and will bring the total to just under 5,000 square feet.

The owners will apply for the proper variances with the ZBA.

On a motion to accept the application as complete and set the public hearing for March 18, 2021 by Mr. Stransky, seconded by Mr. Pribble, and by roll call vote, the motion carries. (Yes 6, No 0, Absent 1 Cunnion)

Report of Code and Zoning Officer

Mr. White submitted his report prior to the meeting. He stated that he has done a lot of research with other towns and regulations regarding Air BNB. Decisions need to be made and a proposal needs to be submitted to the town board for an ordinance.

Mr. White submits a good report with lots of information and it is very appreciated.

There were questions regarding the old firehouse project. Where will the kerosene tanks be placed and where are the exits going to be? Mr. White said the final application and plan has not been

submitted. He issued a permit for interior demolition as the work was being done. No other permit has been issued. The heating emergency request has been determined not to be an emergency situation since the property owner purchased the building without a heating source. No exterior work has been done and the owner is aware of the Planning Board and Code/Zoning requirements.

Report of the Acting Chairman

Welcome to Todd Goff as the new alternate to the Planning Board.

The next public hearing and regular meeting will be held on March 18, 2021. Deadline for applications and information will be March 8, 2021.

Public Comment

Jim Kinley showed a map of the intersection at Route 22 and Whallons Bay Road in Whallonsburg. There are many concerns about safety and speed. Essex County DPW put cones out to slow the traffic on Whallons Bay Road section, which is a county road. Route 22 is a NYS road. During the ZBA meeting for the signage at Whitcomb's there were questions regarding the sandwich board and where it would be located due to the road issues.

Mr. Kinley will send the ZBA letter of support to the Planning Board and asked that they also do a support letter. There are suggestions of guard rails, crosswalks, and a flashing red light during events. Ken Hughes, Essex Town Supervisor, sent a letter of support from the town board, a letter from the Whallonsburg Grange, and the ZBA support letter to Essex County DPW and NYS DOT for their review. They will determine what will happen with the intersection. Public comment and input can also be sent but the decision will be with the county and state.

On a motion to pass a resolution of support for a redesign of the NYS Route 22 and Whallons Bay Road intersection in Whallonsburg by Mrs. Person, seconded by Mrs. Shapiro, and by roll call vote, the motion carries. (Yes 6, No 0, Absent 1 Cunnion)

Adjourn

Chairman Hislop adjourned the meeting at 8:38 PM.

Respectfully submitted by

Jacqueline Thomas
Secretary