

Minutes

Town of Essex Planning Board

July 18, 2019

Public Hearing

Call to Order at 7:00pm.

Pledge of Allegiance.

Roll Call Attendance for Public Hearing: Anita Shapiro (here), Tom Stransky (here), David Hislop (here), Catherine DeWolff (here), Gladys Person, alternate (here), Mark Walker (here), Anh Thu Cunnion (absent), Jonathan Pribble (absent).

Public Hearing on Whitcomb's Garage Renovation project through the Whallonsburgh Grange Hall. Jim Kinley, project representative, described remedies to issues brought up by Code Officer Dennis Trombley, including the wide spacing between roof rafters and if there were an adequate number of larger support beams working in conjunction with the rafters. Jim researched the existing structure, which has been in place and working sufficiently for over 70 years, and came up with a remedy that complies with the building code, enough to satisfy Dennis. There was also the question of whether the Grange would be exempt, as an owner/GC, to worker's compensation. Jim went on-line and was able to register and get that waiver.

Chairman DeWolff reminded Mr. Kinley that this permit was for interior renovations to the Whitcomb's Garage building only. And that any exterior changes, or additional interior changes that will be proposed would need to go back to the PB for review and approval. Mr. Kinley was asked by Tom Stransky to describe the interior project to the Board: it's a 4200 sf commercial building that the Grange would like to make into 3 industrial-type artisan spaces. The heat is a combo of an old coal stove, wood stove... chimneys are there and in serviceable condition. There isn't much insulation. So the artisans who rent the space will use the existing heat systems and make improvements to make the spaces more energy-efficient as needed. There are three bathrooms in the building, two in the front industrial spaces – one for men and one for women - and one in the back apartment area where Narney Whitcomb lived while he was alive. There is also a kitchenette in that apartment. There were gas pumps out front. A lift in the south garage space. Possibly a metal working shop in one of the other front spaces. There was a storefront where the bathrooms are located (probably for the public.) Water is pumped from a cistern under/behind the building. Water in Whallonsburgh, if one drilled a well, has a lot of sulfur in it. The septic is an old one, behind the building in the back yard, and it hasn't been used in a few years, so is dried up. They are going to try to use it and see what happens. They can't do a dye test until it's been used for awhile and fills up with

water and septage. Mark Hall has done a site plan and shows an area where a replacement septic system can be located if the current one turns out to be inadequate. The code officer will work with the Grange on that if need be in the future. There is enough room out in the backyard, as it's a big piece of property. There used to be 3 underground fuel/gas tanks out front and on the south side of the building, but they have been properly removed/filled and permitted by DEC re. same. Tom Stransky asked if there would be a dumpster, associated with the renovations, located on the property, and, if so, he recommended that it be located at the back of the building, out of sight from the public view.

Chairman DeWolff asked if there were any questions on the project from the public. Andy Buchanan, from the Grange Board, made a comment that they are going to create some kind of picnic area, outdoor summer stage area and/or play area in the backyard in future and that they would be coming back to the Planning Board in the future for that. Mr. Kinley noted that NYS DOT owns part of the parking area at the NW corner of the property and that they are currently repaving a section of the Whallons Bay Road between Route 22 and the iron bridge over the Boquet, including a small section of the Whitcomb's property. Chairman DeWolff said that the planning board had received a nice letter of support for the project from Norma Goff. David Hislop asked Andy Buchanan how the use of this project relates, if at all, to the "MakeBoro" space proposed for the old grocery store (IGA) building in downtown Willsboro. He said that this is a separate project from the one in Willsboro but that they might have classes in the Whitcomb's Garage building in the interim, until they find the money to put a whole new roof on that building. Cole Starkey asked if the renovations proposed for the building are going out to public bid. Mr. Buchanan responded that most of the work will be done by volunteers so they probably wouldn't be bidding out anything. Further, the Grange is a non-profit organization, and Whitcomb's is owned by the Grange.

Chairman DeWolff moved to close the public hearing on the Whitcomb's Garage Renovation project. Tom Stransky made the motion. The motion was seconded by Gladys Person. All voted aye, in favor of closing the hearing. No one opposed.

REGULAR MEETING

The regular meeting of the Planning Board was then called to order. Attendance was taken again: Anita Shapiro (here), Tom Stransky (here), David Hislop (here), Catherine DeWolff (yes), Mark Walker (still here), Anh Thu Cunnion (absent), Jonathan Pribble (absent).

Review and acceptance of the minutes from the June 20, 2019 meeting. Motion to accept, Anita Shapiro. Seconded by Tom Stransky. All voted in favor of the motion. No dissenting votes.

First item of "Old Business" is the acceptance of the permit for the Whitcomb's Garage Renovation project. Draft permit was reviewed by board members. David Hislop proposed to condition the project on having any dumpster for debris or permanent refuse containers be located behind the building, out of the public view. Motion made to accept the draft permit, conditioned as above, by David Hislop and seconded by Anita Shapiro. Roll call vote: Catherine DeWolff (yes), David Hislop (yes), Anh Thu Cunnion (absent), Anita Shapiro (yes), Jonathan Pribble (absent), Tom Stranksy (yes), Mark Walker (yes), Gladys Person (yes). Motion passed, permit granted to the Grange. Chairman DeWolff Thanked the Grange for such a fantastic project.

Next action in Old Business is Essex One, Special Use Permit, Site Plan Review for a set of stairs at the Essex Shipyard. The action failed last year due to a procedural problem. Additional information has been received from the applicant for the project, so the consideration of the permit can proceed. Project representatives Bridget Schultz and Rusty Hensley were in attendance to answer questions. Tom Stranksy asked if there were any plans for the marina to be re-opened. Rusty said there were no plans to do so and that they were just able to get to the docks this week because the water had been so high. The insurance adjuster was down there today assessing the damage...they are waiting to see the status of the insurance claim. Tom Stranksy asked if there were any plans for the property at this point? Rusty said, none other than to build the stairway and create green space. They have had people inquiring about buying the whole property (Shipyard and Cleland House) so they are considering their options with that, too. Tom Stranksy asked what would have to happen at the property to be able to open the marina again? Rusty said that there should be a restaurant and porto-potties. But the restaurant is gone now, and it just wasn't profitable for them to run it the last three years it was operating. But the property is for sale, by word of mouth...The marina is shut down, the permit has expired, so anyone wanting to re-open it and expand would have to jump through all the regulatory hoops, town, state, APA, DEC, etc.

Chairman DeWolff asked if there were any questions on this project and if the public had any comments? Cole Starkey - will there be green space down there? Rusty: yes, big planting plan/erosion plan going to happen. The property will go back to residential use with it's own private beach. Tom Stranksy asked for a time-frame for all this to happen. Rusty said that once the project is approved and they get a contractor, it should be 45 days to get the work done unless they run into bad weather and the fall. Chairman suggested that the hay bales should stay in place until the plants are established. Stranksy asked about the existing bulkhead which is in bad shape and suggested that it could be repaired. Rusty said it was too far gone and will be removed. The Chairman moved to vote on the permit before the board. Tom Stranksy asked why the permit wasn't approved the last time it came before the Board. The Chairman said there were only 4 voting member in attendance at the meeting, and the vote was 3 to 1, so the motion failed on procedural grounds. The Chairman made a motion to approve the permit, conditioned on having the hay bales stay in place until the plantings have been established. Tom Stranksy made a motion to approve the permit as amended. Roll Call vote: Catherine DeWolff (yes), David Hislop (yes), Anh Thu Cunnion (absent), Jonathan Pribble

(absent), Thomas Stransky (yes), Mark Walker (yes), Anita Shapiro (yes) and Gladys Person (yes). Motion passed.

Next order of business is the air conditioning unit at the Cleland House, made by Emma Palladino. Motion to waive the public hearing made by Tom Stransky. Seconded by Chair DeWolff. Public hearing is waived. Motion to pass the permit application to approve the air conditioning unit made by Anita Shapiro, seconded by Catherine DeWolff. All voted in favor, aye. No one opposed. Amendment to Permit approved.

Next order of business is the James Young Schmitt property (former Peden House). Representative is not here. They were but left the meeting. Mark Walker said that he was asked by Kelly Schmitt if they had to pay full commercial water/sewer rent rates for an Air B n B before they left. Chairman DeWolff said "yes", they did. And they would have to become an Inn or B and B, as a transient tourist accommodation. Air B n B is just a reservation service. They would have to come in for Special Use with Site Plan Review as a change of use for the property. The board looked at the information in the application submitted by the Schmitts. Since the applicants are not there to present their application, the matter can't be considered. A member of the public, Susan Olsen, asked about the large exterior air conditioning/heating unit on the west side of the building that has recently been installed and did it get permitted. The Chairman said she is aware of this, and it was not permitted nor brought before the Planning Board which it should have been under Site Plan Review in the Historic District. The unit should have been installed at the rear of the property and out of public view. The contractor who installed it told the owner that it should go in the back of the house, but she had insisted and told him she wanted it in front. It should have come to the PB for approval because it's in the Historic District. Now is an eyesore. It is a fineable offense now, along with the inappropriate front entrance glass and a number of other items that were not approved at that property. Mike Olsen said that so many people have given so much of their lives to restore properties in town, and this property and the mistakes that have been made there, fly in the face of all that. Anita Shapiro seconded that feeling, saying that she had to look at things at the Schmitt's other house on Beggs that were done either insensitively or without permission.

Chairman DeWolff asked if anyone knew when the Schmitts left the meeting. They were here... Tom Stransky said they left during the discussion about the air conditioning at Larry Smead's. James and Kelly and James Sr. had been at the meeting. The Chair advised the public that if anyone has a problem, they need to complain to the town supervisor or the code officer. Complaints have to be answered by the code enforcement officer. Tom Stransky asked if the town law allows for a fine to be imposed if people are in violation of the ordinance. The Chairman said yes, but that they were going to try to remedy the situation at this meeting, but now they can't because the owners aren't here to discuss and try to work things out. So a fine would be appropriate at this point. Tom asked if there was a complaint/fine in process yet. David Hislop said that there was a 30-day period in which the owners could respond and remedy. Another issue was that the owners were supposed to replace the stained glass in the front door and sidelights with clear glass, but they replaced it with cloudy glass instead, which is not appropriate.

David Hislop asked about a parking plan for the property, was there one? On the drawing they have an area out front to the right of the house...just "ones and dust", no paving or anything like that. Three parking spaces, one for James and two for boarders or if they rent rooms. Chairman DeWolff said that they needed one spot for each room that they rent out if they are going to run a B n B, etc. according to the zoning ordinance. There would have to be a bigger cut out to accommodate more than 3 spaces probably. Tom Stransky said that they should get a proper site plan drawn up to show that they would have adequate parking for the rooms they want to rent, paying mind to the side lot setbacks from the neighbor's house, too. Code Officer Dennis Trombley should ask them to provide that to the PB at their next meeting when they come back for their permit hearing.

Next application is the Bacchus/Starkey application for an accessory structure out behind their house on School Street. Julia and Cole were at the meeting and provided the Board with a plan showing the new structure and landscaping (?). Julia gave an overview of the project. They don't have an outbuilding on the property, so they need to build a small barn for Cole's workshop/tools and yard stuff. The building will look somewhat like the house in detailing. There will be a second story for a loft/storage. Their intention is to build it in kind like all the other older accessory buildings in the village. The building will be set back 8' from the private drive going past their house to Jonathan Pribble's. They have already done the slab for the building. Someone could use it as a garage in the future. They have talked to the neighbors, and everyone approves of the design, etc. The building will not block anyone's view of the lake, etc. It's a very simple building. There is an exterior staircase to the second floor so that Julia can put her studio upstairs. Chairman DeWolff suggested that they add the workshop use to the permit instead of coming back later for a permit amendment. Tom Stransky moved to deem the application complete and set the public hearing for the August 15th meeting. David Hislop seconded the motion. All voted in favor.

The Code Officer, Dennis Trombley, submitted a monthly report to the Board.

Kate O'Hara asked a question to the board about the new church chimes and digital hymns that are on all the time. It really bothers her. She approached several people at the church and sent emails about this. No one has called her back. Is this allowed to be on all the time? Should it be allowed? She wants to know what to do. Neighbor Mike Olsen is not liking it either. Like Coney Island, canned music. How can this be resolved? Chairman DeWolff said she would relay this complaint to the zoning officer, and he will approach the church. It is on 4+ times a day, instead of just on holidays or Sundays. The electronic music is just not appropriate. The bells/chimes everyone loves.

Neighbor Mike Olsen is upset about the Peden House and how it is not in keeping with the rest of the restorations/renovations in the Historic District. There seems to be a complete lack of taste and arrogance from the Schmitts. Everyone should have to go through the permit process and keep to the design standards of the village Historic District. Very difficult to get a Code Officer who has the sensitivity to be able to instruct

people when they do projects like that (Lauren Murphy had it...) It is not fair to those who have gone by the rules and applied the correct architectural standards, spent inordinate amounts of time and money and care to have to watch a project like this. Tom Stransky asked if the CO can issue a stop work order until the Schmitts remedy the mistakes they have made already. The Chairman said that the town can issue fines for each issue that needs remedying.

The Chairman passed out an historic architectural design guide (Shelburne, VT) for the planning board members to use going forward when reviewing historic/exterior work. Mark Walker suggested that this should be given to every person buying a house in the Historic District. Basic maintenance, in-kind, is ok but changes in roof materials, foundation repointing, window replacement, etc. should be regulated by the planning board through site plan review.

Motion to adjourn made by Tom Stransky, seconded by David Hislop. All voted in favor. Meeting adjourned at 8:18pm.

Transcribed by Lauren H. Murphy and respectfully submitted by:

Catherine DeWolff, Chairman