

**MINUTES**  
**Town of Essex Planning Board**  
**Regular Meeting**  
**May 18, 2017**  
**7:00 p.m.**

**Call to Order**

The Chair opened the Regular meeting at 7:33 p.m.

**Attendance**

Present: Jonathan Pribble, Thomas Stransky, James Van Hoven, David Hislop, Mark Walker, Catherine DeWolff, Secretary.

Absent: Janellen Fortune (excused), Derrick Wrisley

Others Present: Steven Engelhart, Justin Green, Colleen Van Hoven, Lauren Murphy, Keith Prosk, Sally Minich, Anita Shapiro, Mark Hall, Eric and Kate O'Hara, Julia Backus, Cole Starkey, and Jim Shannon.

**Review and Acceptance of Minutes** April 20, 2017.

On a motion to accept the minutes of April 20, 2017, by Mr. Stransky, seconded by Mr. Hislop, the motion carries, Aye-5 No-0 Absent-2 (Fortune (excused), Wrisley)

**Old Business**

Draft Permit: Tax Map #40.81-3-2.100 – Sally Minich and Keith Prosk at 2218 Lakeshore Road, Essex, Special Use w/ Site Plan for small front yard fence and minor renovations to the house.

On a motion to accept the draft permit as written by Mr. Stransky, seconded by Mr. Walker, the motion carries, Aye-5 No-0 Absent-2 (Fortune, Wrisley)

Draft Permit: Tax Map #40.73-3-13 – Henry and Laura Kennedy, 2249 Lakeshore Road, Essex, Special Use w Site Plan for demolition and replacement of garage.

A condition was suggested that the sleeping quarters above the garage will not be rented to the public and only used as overflow for family and friends.

On a motion to approve the draft permit with the condition as stated by Mr. Walker, seconded by Mr. Hislop, the motion carries, Aye-4 No-0 Absent-2 (Fortune, Wrisley) Abstain-Pribble

Draft Permit: Tax Map #40.73-2-13 – Rick and Karen Dalton/Essex Inn for a Special Use w/ Site Plan for a rear deck on the Old Stone Church building at 11 Church St., Essex.

A condition was suggested that the hours of operation closing time would be 10 p.m. and the permit will be issued pending the approval of SHPO on their preservation covenant.

On a motion accept the draft permit as written with the conditions as stated above by Mr. Stransky, seconded by Mr. Pribble, the motion carries, Aye-5 No-0 Absent-2 (Fortune, Wrisley)

Draft Permit: Tax Map #40.73-6-8 – Essex One, LLC/Larry Smead for Special Use w/ Site Plan for demolition review of the Rudder Club building at 2266 Lakeshore Road, Essex.

On a motion to accept the draft permit with a condition of having the building located by a licensed land surveyor so that a future owner could use the footprint space by Mr. Stransky, seconded by Mr. Van Hoven, the motion fails on roll call vote for lack of majority: Pribble-No, Stransky-Yes, Van Hoven-Yes, Hislop-No, Walker-Yes. Aye-3 No-2 Absent-2 (Fortune, Wrisley)

### **New Business**

Tax Map #40.73-3-14 – O’Hara – Special Use – Yard Fencing – Traditional picket fence at 7 Beggs Point Street, Essex.

Chair Van Hoven asked the applicants if they contacted the neighbors about their project. Mrs. O’Hara replied in the affirmative that she contacted Norma Goff, Stan and Luvie Tuller, the Dalton’s and the Schmitt’s.

SEQRA: On a motion to deem the long form EAF a Negative Declaration in conformance with NYS DEC SEQRA law, by Mr. Stransky, seconded by Mr. Hislop, the motion carries, Aye-5 No-0 Absent-2 (Fortune, Wrisley)

On a motion to waive the public hearing on this minor action and direct the secretary to write the permit by Mr. Van Hoven, seconded by Mr. Stransky, the motion carries, Aye-4 No-0 Absent-2 (Fortune, Wrisley) Abstain-1 (Walker)

Tax Map #40.65-2-5 – Engelhart for Ducolon – Special Use for a storage shed, unseen, at 2729 NYS Rt. 22, Essex. Mr. Engelhart is prospective purchaser of the property.

SEQRA: On a motion to deem the long form EAF a Negative Declaration in conformance with NYS DEC SEQRA law, by Mr. Stransky, seconded by Mr. Hislop, the motion carries, Aye-5 No-0 Absent-2 (Fortune, Wrisley)

Mr. Stransky asked the applicant if there would be a light on the structure. Mr. Engelhart replied yes, on the side of the building and will be downcast. Mr. Hislop asked if there would be a driveway. The applicant responded in the affirmative.

On a motion to declare the application complete and schedule a public hearing for the June 15<sup>th</sup> meeting by Mr. Van Hoven, seconded by Mr. Hislop, the motion carries, Aye-5 No-0 Absent-2 (Fortune, Wrisley)

Tax Map #40.65-1-4 – Essex Legacy Trust/Justin Green – Special Use for a replacement of decorative beadboard under decks/porches with hand-made lattice.

Mr. Hislop asked the applicant what color the lattice would be painted and suggested a condition that the lattice be hardwood cedar lattice that will be primed and painted.

On a motion to waive the public hearing on this minor replacement project and to authorize the secretary to write the permit by Mr. Van Hoven, seconded by Mr. Stransky, the motion carries, Aye-5 No-0 Absent-2 (Fortune, Wrisley)

### **Report of the Zoning Officer**

None

### **Report of the Chair**

The Chair advised the Board that we do have a resolution of the Mastrovich light problem.

The APA is finally moving to amend their land use maps with ours' so that they are in congruence. The meeting will be Tuesday, May 23<sup>rd</sup> at 2:00 p.m.

Last item is a letter from the Town Supervisor, which the Chair reads aloud. "I am a big fan of Ed Gardner by I disagree with this letter. With your permission I would like to draft a letter in response of this to the Town Board."

### **Other Reports and Communications**

#### **Public Comment**

#### **Adjourn**

On a motion to adjourn the meeting at 8:37 p.m. by Mr. Hislop, seconded by Mr. Walker, Motion carries, meeting is adjourned at 8:37 p.m.

Respectfully submitted by

Catherine DeWolff  
Secretary

**MINUTES**  
**Town of Essex Planning Board**  
**Public Hearing Meeting**  
**May 18, 2017**  
**7:00 p.m.**

**Call to Order**

The Chair opened the meeting at 7:00 p.m. and led the attendees in the Pledge of Allegiance.

**Attendance**

Present: Jonathan Pribble, Thomas Stransky, James Van Hoven, David Hislop, Mark Walker, Catherine DeWolff, Secretary.

Absent: Janelle Fortune (excused), Derrick Wrisley

Others Present: Steven Engelhart, Justin Green, Colleen Van Hoven, Lauren Murphy, Keith Prosk, Sally Minich, Anita Shapiro, Mark Hall, Eric and Kate O'Hara, Julia Backus, Cole Starkey, and Jim Shannon.

**Public Hearing (s)**

The Chair gave an overview of the proceedings before the Planning Board. Letters received for and against the actions subject to public hearing were read aloud to the public and are made part and parcel of these minutes as an attachment.

Tax Map #40.81-3-2.100 – Sally Minich and Keith Prosk at 2218 Lakeshore Road, Essex, Special Use w/ Site Plan for small front yard fence and minor renovations to the house. One letter was received that did not support this action and one received that did support the action.

Tax Map #40.73-3-13 – Henry and Laura Kennedy, 2249 Lakeshore Road, Essex, Special Use w/ Site Plan for demolition and replacement of garage which will add a sleeping quarters above the garage.

One letter was received that supported this action.

The Chair advised the Board that there will be water and sewer hooked up to this building from the main house. The project will be for a sleeping space above the garage for family and friends only and may not be rented out. This will become a condition to permit.

Tax Map #40.73-2-13 – Rick and Karen Dalton/Essex Inn for a Special Use w/ Site Plan for a rear deck on the Old Stone Church building at 11 Church St., Essex.

One letter was received that did not support this action and two letters were received that did support this action.

The Chair advised the Board that there is a Preservation Covenant on this property that follows the new owners until 2020. They will need to get permission from SHPO for this project, which will become a condition on permitting.

Tax Map #40.73-6-8 – Essex One, LLC/Larry Smead for Special Use w Site Plan Review of the demolition of the Rudder Club building at 2266 Lakeshore Road, Essex.  
One letter was received that supported this action and one letter was received that did not support this action.

There was a question from Mr. Stransky at the last meeting about the possibility of something else going in the space there. The Chair advised the Board that he has learned that NYS law 575.5 reads that a new building can be put on the footprint with no time barriers for doing so. This would include any building including a house.

### **Public Comment**

Jim Shannon asked about the reasons for demolishing. Mr. McArdle, the attorney for the applicant, responded to Mr. Shannon's question, which included the lack of viability of the restaurant.

Mr. Hislop took issue with the reasons for the demolition of the Rudder Club as presented by Mr. McArdle and questioned the lack of viability comment.

Mr. Hislop advised that the structure could be and is eligible to be on the Historic Register and spoke against the demolition of the restaurant. Mr. Hislop's statement is made part and parcel of these minutes and is as follows:

Mr. Hislop: "The loss of the Rudder Club building represents a loss for the Business Community of Essex. The Rudder Club is one of our only two possible waterfront restaurant sites and thus is an irreplaceable part of commerce in our Town.

While the structure, built c1948, is not significant in the listed 1975 Essex Historic District, over the past fifty years it has gained eligibility to be listed as a Community Cultural resource on its own merit.

The loss of community buildings for no other reason than increasing lot resale values is a trend that the Planning Board must guard against.

The real value in our small village is the business and cultural activities as represented in our built environment!"

Keith Prosk asked about the operation of the marina and how the demolition would affect the marina.

Mr. Stransky: I think that it's beneficial that something could be built on the footprint.

Pat Burley spoke against the demolition of the Rudder Club, her letter is made part and parcel of these minutes and is attached. Further, she advised that the restaurant always made more money than the Shipyard did.

Lauren Murphy spoke against the demolition of Rudder Club and advised the Board that we are going to lose historic foundations there.

Mr. Stransky: My worry is that the building will fall into disrepair and the marina as well.

Mr. Van Hoven: One of the things that SHPO asked the applicant is what ground disturbance would take place there. SHPO accepted their letter as to no disturbance of archeological resources.

Lauren Murphy: Is that true?

Cole Starkey: Leaving the building there hurts the aesthetics of the town. The Planning Board cannot make him run a restaurant.

Mr. Hislop refuted Mr. Starkey's statement.

Robert Burley spoke against the demolition of the Rudder Club and the suggestion by the applicant's attorney that it could not be rehabilitated, using the Deli above the marina as an example.

Attorney for the applicant, Mr. McArdle advised that the economics are Mr. Smead's alone.

**Adjourn**

On a motion to close the public hearings by Mr. Stransky, seconded by Mr. Walker, the Public Hearing(s) meeting adjourns at 7:33 p.m.

Respectfully submitted by

Catherine DeWolff  
Secretary