

**MEETING MINUTES**  
**Town of Essex Planning Board**  
**Public Hearing Meeting**  
**March 21, 2019**  
**7:00 p.m.**

**Call to Order**

Chair DeWolff opened the meeting at 7:03 p.m. and led the attendees in the Pledge of Allegiance.

**Attendance**

Present: Chair Catherine DeWolff, Anh Thu Cunnion, Jonathan Pribble, Thomas Stransky, Mark Walker, Anita Shapiro (alternate), Cheryl Sprang, Secretary

Absent: David Hislop (excused), Janelle Fortune (excused)

Others present: Kevin Hall, David Gagnier, James Youngs-Schmitt, Kelly Youngs-Schmitt, Emma Paladino, Guest of Emma Paladino

**Public Hearing (s)**

Tax Map #40.73-6-9.000 – Bruce and Joan Stephan of 1980 Washington Street #82, San Francisco, CA 94109 for their property located at 2260 Lake Shore Road, in the town of Essex. Special Use Permit application for Change of Use, Building Right Transfer, and Transient Housing Accommodations.

Kevin Hall is the representative for this project.

**Public Comment**

Ms. Paladino advised that the people who use the barn structure trespass onto their yard to access the structure in the back and would like to know if there is anything the town can do about that.

Two letters were received regarding this project and were shared with the board. Neither were in support of the subdivision.

**Adjourn**

On a motion to adjourn the public hearing at 7:07 p.m. by Mr. Pribble seconded by Mr. Walker, Motion carries, meeting is adjourned at 7:07 p.m.

**MEETING MINUTES**  
**Town of Essex Planning Board**  
**Regular Meeting**  
**March 21, 2019**  
**7:00 p.m.**

**Call to Order**

Chair DeWolff opened the meeting at 7:07 p.m.

**Attendance Present:** Chair Catherine DeWolff, Anh Thu Cunnion, Jonathan Pribble, Thomas Stransky, Mark Walker, Anita Shapiro (alternate), Cheryl Sprang, Secretary

**Absent:** David Hislop (excused), Janellen Fortune (excused)

**Others present:** Kevin Hall, David Gagnier, James Youngs-Schmitt, Kelly Youngs-Schmitt, Emma Paladino, Guest of Emma Paladino

**Review and Acceptance of Regular Meeting Minutes** On a motion to accept the regular meeting minutes of February 21, 2019, by Mr. Walker, seconded by Mr. Stransky, the motion carries, Aye-6 (DeWolff, Cunnion, Pribble, Stransky, Walker, Shapiro (alternate)) No-0 Absent-2 (Fortune, Hislop)

**New Business**

Tax Map #40.65-2-7.100 – James Schmitt of 35 Beggs Point Road, Essex, NY 12936 for the property located at 2273 NY 22, in the town of Essex – Special Use Permit. Application for roof repair/replacement, sill repair and the addition of a porch. The applicant has a purchase and sales agreement for the property with a tentative closing date of 4/3/2019.

David “Pat” Gagnier is the representative for this project

On a motion to declare the application complete, and schedule for public hearing on April 18, 2019, by Mr. Stransky, seconded by Ms. Cunnion, the motion carries, Aye-6 (DeWolff, Walker, Cunnion, Stransky, Pribble, Shapiro(Alternate)) No-0 Absent-2 (Hislop, Fortune)

**Old Business**

Tax Map #40.73-6-9.000 – Bruce and Joan Stephan of 1980 Washington Street #82, San Francisco, CA 94109 for their property located at 2260 Lake Shore Road, in the town of Essex. Special Use Permit application for Change of Use, Building Right Transfer, and Transient Housing Accommodations. Kevin Hall is the representative for this project.

SEQRA Consideration – SEQRA was not completed because the action failed to pass.

The Chair advised the applicant that the reason for the application before us is because the applicant violated the conditions of their original permit and that their decision to pull their subdivision application at the last minute and substitute it with only a density/building right transfer did not give the Planning Board the opportunity to consider the action in the first meeting. Further, she advised that it put the Town’s newly appointed Code Officer on the spot for a determination that she did not agree with. There was much discussion of the project

On a motion to approve the Permit as written by Chair DeWolff, seconded by Mr. Stransky, the project failed, Aye-2 (Stransky, Pribble) No-4 (DeWolff, Walker, Cunnion, Shapiro(Alternate)) Absent-2 (Hislop, Fortune)

The Planning Board found:

1. In the Essex Hamlet district (a special district) where the predominant use of principal dwelling and accessory structure is on a .5-acre lot. Only one such use per lot is allowed.
2. The “Barn” accessory structure is historically a non-conforming structure to the property and historically subordinate to the principal dwelling.
3. The transference of a building right as described in the application would create an additional non-conformance in the district by allowing two principal dwelling on one lot.
4. The transfer of a building right to an existing standard lot containing a principal building and accessory structure afforded an unfair advantage to the applicant over the existing permitted accessory structures and uses which would in effect change the zoning for one applicant. If all residents in the existing special district wish the zoning to be changed, they may petition the Town Board for such a change.

The Chair made a motion to amend the original permit and allow a change of use of the “barn” structure to be used as an Accessory Apartment in accordance with 4.1 of the Town of Essex Zoning Law. The only condition was that the accessory structure not be leased or rented but for the use of the property owners and their family. The secretary was authorized to write the permit. The resolution passed unanimously and is approved. Aye-6 (DeWolff, Walker, Cunnion, Stransky, Pribble, Shapiro(Alternate)) No-0 Absent-2 (Hislop, Fortune)

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

Dennis Trombley was present and alerted the board of multiple projects that he is working on and of upcoming projects.

### **Report of the Chair**

Chair DeWolff reminded the board about the training hours.  
NYFP has still not given access to their YouTube videos for training options.

### **Other Reports and Communications**

NONE

### **Public Comment**

NONE

### **Adjourn**

On a motion to adjourn the regular meeting at 8:24 p.m. by Chair DeWolff, seconded by Ms. Cunnion, Motion carries, meeting is adjourned at 8:24 p.m.

Respectfully submitted by

Cheryl Sprang  
Secretary