

MINUTES
Town of Essex Planning Board
October 22, 2015
7:00 p.m.
Public Hearing

Call to Order

Chairman Van Hoven opened the meeting at 7:00 p.m. and led the attendees in the Pledge of Allegiance.

Attendance

Present: Mark Walker, James Van Hoven, Thomas Stransky, David Hislop, H. Nicholas Muller III (7:02) Catherine DeWolff, Secretary

Absent: Derrick Wrisley, Olive Alexander

Also Present: Mark Hall, Julia Backus, Cole Starkey, Lauren Murphy – Town Code Enforcement Officer

Public Hearing

Tax Map #40.73-3-15 – John C. Dalton - Site Plan Review for demolition and replacement structure at 3 Beggs Point Road, Essex. Legal representative is Mark Hall.

Chairman Van Hoven asked if there was any public comment on this action before the Planning Board. There being none, the Chairman moved on to the next hearing.

Tax Map #40.73-5-5 - Julia Backus and Cole Starkey – Site Plan Review for minor demolition and replacement of windows and doors at 3 Ross Way, Essex.

Chairman Van Hoven asked if there was any public comment on this action and there being none, he asked for a motion to close the public hearings.

Public Comment

None

Adjourn

On a motion to close the Public Hearings by Mr. Walker, seconded by Mr. Hislop, the public hearings are closed at 7:03 p.m. by unanimous consent of the Planning Board.

Respectfully submitted by

Catherine DeWolff, Secretary

MINUTES
Town of Essex Planning Board
October 22, 2015
REGULAR MEETING
7:03 p.m.

Call to Order

Chairman Van Hoven opened the regular meeting at 7:03 p.m.

Attendance

Present: Mark Walker, James Van Hoven, Thomas Stransky, David Hislop,
H. Nicholas Muller III Catherine DeWolff, Secretary

Absent: Derrick Wrisley, Olive Alexander

Also Present: Mark Hall, Julia Backus, Cole Starkey, Lauren Murphy – Town
Code Enforcement Officer

Review and Acceptance of Minutes

Minutes of September 17, 2015 Public Hearing and Regular meeting.

Chairman Van Hoven asked for a motion to accept the minutes of the September 17th meeting. On a motion to accept the minutes by Mr. Muller, seconded by Mr. Hislop, the minutes are accepted by unanimous consent of the Planning Board, Aye-5 No-0 Absent-2 (Wrisley and Alexander)

Old Business

SEQRA – EAF – John C. Dalton

The Chairman of the Town of Essex Planning Board reviewed the Environmental Assessment Form and called for a Negative Declaration in accordance with the NYS DEC SEQRA law. On a motion to deem the EAF a Negative Declaration by Mr. Stransky, seconded by Mr. Muller, the motion carries by unanimous consent of the Board, Aye-5 No-0 Absent-2 (Wrisley and Alexander)

Draft Permit:

EPB #2015-14: Tax Map #40.73-3-15 – John Dalton – Site Plan Review for demolition and new construction at 3 Beggs Point Street, Essex.

On a motion to accept the draft permit by Mr. Muller, seconded by Mr. Hislop, the draft permit is on the table for discussion. Mr. Hislop asked the applicant's representative Mark Hall if the back wing was salvageable. Mr. Hall responded in the negative, that there was a fire there at some point. Mr. Hislop asked if the balustrade could be continued in the rear of the addition to make it look more in keeping with the period of original construction by getting rid of the spindles and carrying the balustrade over. Mr. Hall answered that yes, that could be accomplished with no problem. Mr. Stransky asked about the outdoor lighting. Mark Hall responded that the lighting would be downcast and below balustrade. This will be a condition on the permit as well as the "detail shall be replicated on the outside details to keep the historic nature of the house". On a motion to approve the draft permit as amended by Mr. Muller, seconded by Mr. Hislop, the motion carries by unanimous consent of the Board, Aye-5 No-0 Absent-2 (Wrisley and Alexander)

SEQRA – EAF – Backus/Starkey

The Chairman of the Town of Essex Planning Board reviewed the Environmental Assessment Form and called for a Negative Declaration in accordance with the NYS DEC SEQRA law. On a motion to deem the EAF a Negative Declaration by Mr. Muller, seconded by Mr. Hislop, the motion carries by unanimous consent of the Board, Aye-5 No-0 Absent-2 (Wrisley and Alexander)

Draft Permit:

EPB #2015-15: Tax Map #40.73-5-5 – Backus/Starkey – Site Plan Review for the replacement of windows and doors restored to their original locations and install actual windows where "blind" windows were located at 3 Ross Way, Essex. It was determined that the "bump out" space that was to be demolished, will now be kept and the permit shall reflect that change.

Mr. Muller asked if the Board would give the Code Officer flexibility to approve minor changes/modifications to projects. There was a discussion of minor modifications. The Planning Board agreed that Condition #1 shall read: "No further major modifications may be made without applying for a permit from the Planning Board. However, minor modifications can be approved by the Code Officer." On a motion to accept the draft permit as amended by Mr. Muller, seconded by Mr. Hislop, the motion carries by unanimous consent of the Board, Aye-5 No-0 Absent-2 (Wrisley and Alexander)

SEQRA – EAF – Alexandra Noble Demolition Permit

(neglected at August approval meeting)

Chairman Van Hoven explained the situation of a possible violation of APA permit to the Planning Board. Further, the Planning Board neglected to do the SEQRA review for this action at their August meeting and must accomplish this now.

The Chairman read the EAF submitted with the application in conformance with NYS DEC SEQRA law and called for a Negative Declaration. On a motion by Mr.

Muller to deem the EAF a Negative Declaration, seconded by Mr. Hislop, the motion carries by unanimous consent of the Board, Aye-5 No-0 Absent-2 (Wrisley and Alexander)

SEQRA - EAF – Essex Legacy Trust – Emma Paladino – Special Use Permit for a change of use from Commercial to Residential at 2309 Main Street, Essex.

Chairman Van Hoven said that he felt this action should be a Special Use Permit for a change of use. There was much discussion over this application as the Planning Board issued an “opinion” of this situation at their September meeting. The Planning Board felt that their opinion was sufficient in this regard. The Chairman asked for a vote to table the action and consult an attorney. On a motion to table the action by Mr. Muller, seconded by Mr. Hislop, the motion carries by a vote of: Aye-3 (Van Hoven, Muller, Hislop) No-2 (Walker and Stransky) Absent-2 (Wrisley and Alexander)

New Business

CATS/CEVE Informational Kiosk – Extension of time to complete. Permit expired on September 4, 2015 and they have requested a one month extension to complete.

On a motion to extend the expired permit for an additional **two** month period by Mr. Hislop, seconded by Mr. Stransky, the motion carries by unanimous consent of the Planning Board: Aye-5 No-0 Absent-2 (Wrisley and Alexander)

Report of Zoning Officer – Portable Storage Containers. Lauren Murphy the Code Enforcement Officer, presented a draft storage container law taken from the Town of Kendall in Western NYS. The Chairman advised that this town is a rural community like Essex. There was discussion of the law, grandfathering, and time limit issues. Chairman Van Hoven said that he would like the Planning Board to be prepared to recommend adoption of this law to the Essex Town Board at the November meeting of the Planning Board.

Report of the Chairman

Proposal to modify the procedure for approving fences and hedges in the Historic District.

The Chairman advised the Planning Board that our Zoning Law says all fences and hedges com under the purview of the Planning Board. In order to fast track fences and hedges, the Chair proposed that an applicant can bring in writing a statement from

their neighbors that the fence or hedge is ok with them. If they don't get that from their neighbors, they would have to come to us for permitting, a two meeting scenario. There was discussion of this proposal by the Planning Board. The Chairman advised that it might just be easier to enforce the law. However, he said that he would try to finesse the wording of this proposal.

Mr. Hislop asked about a noise ordinance. There was a discussion of a Noise Ordinance, but it was decided that it would be a Town Board issue.

Chairman Van Hoven told the Board that he would like the abutter notices to include a picture of the project on the reverse of the notice to better inform the public of what is being proposed and that he has spoken to the Secretary about accomplishing this.

Mr. Stransky asked about property maintenance, specifically over at the Gussman house. The Chairman asked the Code Enforcement Officer to send a letter to the Gussman's advising them of the deterioration.

Public Comment

None

Adjourn

On a motion to adjourn the meeting by Mr. Muller, seconded by Mr. Walker, the meeting is adjourned at 8:10 p.m. by unanimous consent of the Board.

Respectfully submitted by:

Catherine DeWolff
Secretary