

MINUTES  
Town of Essex Planning Board  
Thursday September 17, 2015  
7:00 p.m.  
Public Hearing

**Call to Order**

Acting Chairman Stransky called the meeting to order and led the attendees in the Pledge of Allegiance.

**Attendance**

**Present:** David Hislop, Olive Alexander, Mark Walker, Thomas Stransky – Acting Chairman, Derrick Wisley, H. Nicholas Muller III  
Catherine DeWolff, Planning Board Secretary

**Absent:** James Van Hoven, Chairman

**Also Present:** Daniel Manning – County of Essex Attorney, Ruth Morgan, Cole Starkey, Julia Backus, Hilary Rogers, Emma Paladino, Mark Hall and Lauren Murphy-Code Enforcement Officer

**Public Hearing**

Tax Map #57.2-4-1.100 – Ruth Morgan/Daniel Manning – Old County Home Cemetery  
Minor Subdivision of the property located at 1376 NYS Rt. 22, Essex, NY.

Acting Chairman Stransky opened the public hearing on the Cemetery at 7:00 pm. Mr. Muller queried the applicant about the storage container on the property. Attorney Manning advised that the APA would like the map changed to address the storage shed. This shed being a tool shed on the cemetery property for the storage of mowing equipment. Mrs. Alexander questioned a flag pole that was addressed at a February Town Board meeting. Attorney Manning advised that he was not aware of that. (The minutes of the February Town Board meeting were reviewed by the Secretary and there is no mention of any flag pole therein). Signage was questioned and the Secretary advised Attorney Manning that she would send him the criteria for signage.

With no comments from the public, a motion by Mrs. Alexander to close the public hearing, seconded by Mr. Hislop, the Old County Home Cemetery public hearing is closed by unanimous consent of the Board, at 7:07 p.m., Aye-6 No-0 Absent-1 (Van Hoven)

Tax Map #40.73-2-8.000 – Essex Legacy Trust – Emma Paladino – Special Use Permit/  
Change of Use from Commercial to Residential use at 2309 Main Street, Essex, NY.

Acting Chairman Stransky opened the public hearing on the Change of Use at 2309 Main Street at 7:07 p.m. There was a discussion of the Board as to whether when a

business permit expires the use reverts to residential in a mixed use situation. Questions were addressed to the Board by Hilary Rogers, Attorney for the Applicant. With no questions from the public, a motion to close the public hearing is offered by Mr. Hislop, seconded by Mr. Wrisley and is closed at 7:20 p.m. by unanimous consent of the Planning Board, Aye-6 No-0 Absent-1 (Van Hoven)

**Public Comment**

None

**Adjournment**

The last public hearing scheduled is adjourned at 7:20 p.m. as referenced above.

Respectfully submitted by,

Catherine DeWolff  
Secretary

MINUTES  
Town of Essex Planning Board  
Thursday, September 17, 2015  
7:00 p.m.  
Regular Meeting

**Call to Order**

Acting Chairman Stransky called the Regular meeting of the Planning Board to order at 7:21 p.m.

**Attendance**

**Present:** David Hislop, Olive Alexander, Mark Walker, Thomas Stransky – Acting Chairman, Derrick Wisley, H. Nicholas Muller III  
Catherine DeWolff, Planning Board Secretary

**Absent:** James Van Hoven, Chairman

**Also Present:** Daniel Manning – County of Essex Attorney, Ruth Morgan, Cole Starkey, Julia Backus, Hilary Rogers, Emma Paladino, Mark Hall and Lauren Murphy-Code Enforcement Officer

**Review and Acceptance of Minutes of August 20, 2015 Public Hearing and Regular Meeting.**

On a motion to accept the minutes of August 20, 2015, by Mr. Muller, seconded by Mrs. Alexander, the motion carries by unanimous consent of the Board, Aye-6 No-0 Absent-1 (Van Hoven)

**Old Business – SEQRA Review and Approval of Draft Permits**

**SEQRA Review – County Home Cemetery – Ruth Morgan/Daniel Manning**

The short form EAF was included in the application. The Acting Chairman read the EAF and the Planning Board considered the environmental impacts in conformance with the NYS DEC SEQRA law. On a motion to deem the EAF a Negative Declaration by Mr. Hislop, seconded by Mr. Muller, motion carries by unanimous consent of the Board, Aye-6 No-0 Absent-1 (Van Hoven)

**Draft Permit:** Tax Map #57.2-4-1.100 – Ruth Morgan/Daniel Manning – Old County Home Cemetery - Minor Subdivision of the property located at 1376 NYS Rt. 22, Essex, NY.

On a motion to accept the draft permit with conditions by Mr. Walker, seconded by Mr. Muller, the motion carries by unanimous consent of the Board, Aye-6 No-0 Absent-1 (Van Hoven).

Mr. Muller made it clear to the Applicant, Mrs. Morgan, that he was not happy with the storage container that has been located in the front of her residence for many years. Mrs. Morgan replied that she had a permit for the container. Mr. Muller responded that he would like to see the permit. Mrs. Morgan replied that she liked the storage container because it gave her some privacy from the road.

**SEQRA Review – Essex Legacy Trust – Emma Paladino**

**Draft Permit:** Tax Map #40.73-2-8.000 – Essex Legacy Trust – Emma Paladino – Special Use Permit/Change of Use from Commercial to Residential use at 2309 Main Street, Essex, NY.

There was much discussion by the Planning Board regarding this permit. It was agreed that instead of issuing a permit, the Planning Board would issue an “opinion” as regards this change of use. On a motion to issue an opinion that the property is currently a residential property by Mr. Muller, seconded by Mrs. Alexander, the motion carries by unanimous consent of the Board, Aye-6 No-0 Absent-1 (Van Hoven).

**Permit #2014-22 – O’Hara – Retraction and Void Permit – Tax Map #40.73-3-14**

The Applicant has requested that this permit be retracted and voided as they have changed their minds about the rental of the cottage on their property at 7 Beggs Point Street, Essex, NY.

On a motion to endorse the Chairman’s determination of Voiding the Permit, by Mr. Muller, seconded by Mr. Wisley, the motion to void the permit carries by unanimous consent of the Board, Aye-6 No-0 Absent-1 (Van Hoven)

**New Business - Deem applications complete:**

**Tax Map #40.73-3-15 – John Dalton – Site Plan Review** for demolition and replace with new addition including expansive deck.

Mark Hall appeared in the meeting for the applicant. He advised the Board that there will be a revision of the drawings. Also, he did go to the neighbors with the current plans and the neighbors were all ok with the design. The Planning Board discussed the project. Mr. Muller queried Mark Hall if the construction would be held up if we waited another month to deem the application complete. Mr. Hall answered in the affirmative. Acting Chairman Stransky advised that he was uncomfortable deeming complete without the actual drawings. Mr. Muller advised that the process can be started and conditioned to receiving the revised architectural drawings within seven days or three weeks before the next Planning Board meeting.

On a motion to deem the application complete pending the conditions set forth above by Mrs. Alexander, seconded by Mr. Muller, the motion carries with the condition that the new architectural drawings be added with seven days or three weeks before the next meeting, by unanimous consent of the Board, Aye-6 No-0 Absent-1 (Van Hoven).

On a motion to set the public hearing for October 22, 2015, by Mr. Hislop, seconded by Mr. Wrisley, the motion carries by unanimous consent of the Board.

**Tax Map #40.73-5-5 – Julia Backus and Cole Starkey – Site Plan Review** for general improvements including new windows, door, upstairs deck and demolition of a non-original bump out space. Applicant would like permission to start to remove the bump out asap.

The Applicant's appeared before the Planning Board to describe their action. They also wish to revise their architectural plans and will do so within seven days or three weeks before the next meeting. Regarding the "bump out" space, this was declared a hazard by the Code Enforcement Officer and as such may be removed immediately. On a motion to deem the application complete pending the new architectural drawings condition by Mr. Muller, seconded by Mrs. Alexander, the motion carries by unanimous consent of the Board, Aye-6 No-0 Absent-1 (Van Hoven).

On a motion to set the public hearing for October 22, 2015, by Mr. Muller, seconded by Mr. Wrisley, the motion carries by unanimous consent of the Board.

On a motion to change the regularly scheduled Planning Board meeting from October 15 to October 22, 2015, by Mr. Muller, seconded by Mrs. Alexander, the motion carries by unanimous consent of the Board, Aye-6 No-0 Absent-1 (Van Hoven).

#### **Report of the Chairman**

None

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

Mr. Muller queried Ms. Murphy about her report and asked about the Hedgerow situation and about an ordinance she is supposed to write about properties not being maintained. Mr. Muller also asked about unlicensed cars in yards. Ms. Murphy advised that people can have one unlicensed vehicle on their property.

#### **Public Comment**

None

#### **Adjournment**

On a motion to adjourn the meeting by Mr. Wrisley, seconded by Mr. Walker, the meeting is adjourned at 8:27 p.m. by unanimous consent of the Board.

Respectfully submitted by

Catherine DeWolff

Secretary