

Town of Essex

Public Hearing on Proposed Amendments to Essex Zoning Law

Supervisor Gardner opened the hearing at 6:45 p.m. He led the assemblage in the Pledge of Allegiance.

Attendance was taken of the Board:

Supervisor Edward Gardner	Present
Councilperson Claire LaPine	Absent
Councilperson Brian Garvey	Present
Councilperson Mark Wrisley	Present
Councilperson James LaForest	Present

Supervisor Gardner has opened the hearing.

Mark Wrisley asked about the Critical Area A, and its boundaries. Mr. James Van Hoven, Chairman of the Planning Board asked if he could be more specific. Mark replied that he thought this area maybe should not be in this area. Mr. Van Hoven explained that the area that Mark is referring to is not an area that was updated. It is the same as it was.

Mr. La Forest feels was a good zoning law, and wished the ZBA had waited on this law before it made its decision. He feels that a lot of hard work went into this and thanked Jim and all involved.

Question on page 89, 9.4.1, from Mr. La Forest about the amount of people who would be considered a landowner, example three parties owning one parcel. Mr. Van Hoven responded that this part was not changed and he had no answer to that. He also asked if our attorney had looked it over and Mr. Van Hoven responded yes.

At 7:00 p.m. closed the hearing

Town Board Meeting

May 14, 2015

Supervisor Gardner called the meeting to order 7:00pm.

Pledge of Allegiance lead by Supervisor Gardner.

Roll Call: In Attendance

Supervisor Edward Gardner
Councilperson Claire LaPine
Councilperson Brian Garvey
Councilperson Mark Wrisley
Councilperson James LaForest

Motion by Claire LaPine, seconded by Mark Wrisley to accept the Regular Town Board Minutes April 9, 2015 Meeting.

Roll Call Vote:

Councilperson Garvey	Yes	Councilperson LaPine	Yes
Council Person Wrisley	Yes	Supervisor Gardner	Yes
Councilperson LaForest	Yes		

Motion by Claire LaPine, seconded by Mark Wrisley to accept the Emergency Board Meeting of April 16, 2015.

Roll Call Vote:

Councilperson Garvey	Abstain	Councilperson LaPine	Yes
Council Person Wrisley	Yes	Supervisor Gardner	Yes
Councilperson Wrisley	Yes		

Motion by Mark Wrisley, seconded by Bryan Garvey to accept the Joint Board Meeting with Willsbor0 of April 24, 2014.

Roll Call Vote:

Councilperson Garvey	yes	Councilperson LaPine	Yes
Council Person Wrisley	Yes	Supervisor Gardner	Yes
Councilperson LaForest	yes		

Supervisor Gardner offered the floor to the public. No response

Resolution 53-2015

Town of Essex, County of Essex, State of New York Town of Essex Zoning Law-Additional 2015 Amendments Supplementary Full EAF Notice of SEQRA Determination of Significance: Negative Declaration

DATE: May 15, 2015

WHEREAS, the Town Board prepared and is in the process of adopting amendments to its Zoning Law, and

WHEREAS, the Town Board prepared and accepted as part of this Resolution, Parts 1,2,&3 and Attachment A of the Supplementary Full Environmental Assessment form, reviewed Town Law and SEQRA regulations, and made the determination that the Proposed Action is a "Type I" Action under the State Environmental Quality Review Act (SEQRA) and

WHEREAS, the Town Board made the determination that they wish to serve as Lead Agency and there are no other involved agencies under SEQRA for the purposes of this Action, and

WHEREAS, the Town Board, according to SEQRA, completed and accepted a Supplementary Full Environmental Assessment Form for Type I Actions of this kind that will serve as the basis of the Town's determination of the environmental significance of this Action, and

NOW THEREFORE LET IT BE RESOLVED that pursuant to SEQRA Regulation 617.7, the Town has made a **Determination of the Significance of the Action and by this resolution issues a Negative Declaration.**

In coming to this determination, the Town of Essex as Lead Agency, considered the importance and relevance of the additional four changes, and the present state of the information provided in the original 2012 Full EAF. The additional Zoning Law changes were not addressed in the 2012 Full EAF and its attachments. This Supplemental Full Environmental Assessment relied upon published reports, public sentiment, local knowledge, and familiarity with the site and its surrounding areas. During the preparation of parts 1, 2 and 3 of the Supplemental FULL EAF, the Town of Essex considered the following primary areas of environmental concern: topography/soils; vegetation, wildlife and wetlands; surface and groundwater/hydrology and drainage; utilities; transportation; historical and archaeological; municipal services; and land use and zoning. Based on the information available, it is reasonable to conclude that while the impacts of the Supplementary Action are important to note and consider, they are individually and collectively minor in scale and the scope of impact is beneficial and small.

The Town Board carefully considered the environmental impacts associated with this Supplemental Action, including reviewing and evaluating the FULL EAF and the criteria for determining significance contained in 6 NYCRR § 617.7(c). This determination provides a reasoned elaboration of the facts and conclusions derived from the Supplemental FULL EAF process

The Town Board, as Lead Agency, finds that the proposed Supplementary Action will not result in any significant adverse environmental impacts. The key facts and conclusions supporting the Town Board's finding of environmental significance are summarized below.

☐ The Town Board finds the four supplementary zoning changes to be consistent with the stated goals of the Town of Essex 1975 Trancik and 2002 Comprehensive Plans, which encourage appropriate development, especially in the hamlets of the Town.

☐ The Town Board finds that the supplemental Shoreline Overlay District boundary adjustment of 2,300-foot setbacks from the Mean High-water Mark (MHW) is consistent with the goals of the 2002 Waterfront Revitalization Program, provides an overlay district that is nearly identical to the original, and uses a more consistent measure of setback.

☐ Potential residential development in Districts A, C, D, and F will decrease, when compared to the 2012 proposed changes. The Town Board finds that the slight overall reduction of density will lessen the cumulative burden of development on the land in these districts.

☐ The Town Board finds that the forestry-related supplemental changes consolidate, clarify, and improve management of forestry uses in the Town from what it is now. The Town finds that more local flexibility and more local oversight responsibility enables the Town to impose any necessary conditions to ensure that a proposed project will be appropriate for the land and the community.

☐ Since the proposed Supplementary Action will generate fewer new dwelling units, it will result in fewer new residents, and thereby minimize any potential impacts compared to existing conditions to community facilities, services, and systems, such as schools, local road network, fire, ambulance, and utilities.

☐ When considered independently, none of the provisions of the proposed supplemental zoning law amendments would result in significant adverse environmental impacts. Considered cumulatively, as required by SEQRA, no significant adverse environmental impacts would result if these supplemental amendments were considered together as a whole.

☐ The proposed Supplemental Action is intended to facilitate the growth of Essex into a diverse and vital community of forestry, agriculture, commercial/industrial/manufacturing businesses, small businesses, homes, and recreational opportunities located in an appealing setting with great natural beauty while providing amenities that attract residents, travelers, shoppers, diners, and vacationers.

☐ The proposed Supplemental Amendments to the Zoning Law use Smart Growth Principles to:

- o Protect the scenic, ecological, forest, agricultural, and open space resources of the Town
- o Protect the Town's groundwater and surface water
- o Concentrate development in hamlets and ensure that hamlet is of sufficient size to support modest expansion
- o Encourage forestry, agriculture and open space.

After completing parts 1, 2, and 3 of the Supplemental Environmental Assessment Form, the Town of Essex compared the Action against the criteria for determining significance listed in section 617.7(c) of the SEQRA regulations and finds that the Action will:

- (i) Not result in "a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;" (§617.7(c)(1)(i))
- (ii) Not result in "the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;" (§617.7(c)(1)(ii))
- (iii) Not result in "the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;" (§617.7(c)(1)(iii))
- (iv) Not result in "the creation of a material conflict with a community's current plans or goals as officially approved or adopted"; (§617.7(c) (1) (iv))
- (v) Not result in "the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;" (§617.7(c)(1)(v))
- (vi) Not result in "a major change in the use of either the quantity or type of energy;" (§617.7(c)(1)(vi))
- (vii) Not result in "the creation of a hazard to human health"; (§617.7(c) (1) (vii))
- (viii) Not result in "a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses"; (§617.7(c) (1) (viii))
- (ix) Not result in "the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;" (§617.7(c)(1)(ix))
- (x) Not result in "the creation of a material demand for other actions that would result in one of the above consequences"; (§617.7(c) (1) (x))
- (xi) Not result in "changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or" (§617.7(c)(1)(xi))

(xii) Not result in “two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.” (§617.7(c) (1) (xii))

For all the reasons set forth, the Town of Essex finds that the proposed Supplemental Action will not have any significant adverse impact on the environment and the issuance of a negative declaration under SEQRA is warranted.

RESOLVED, that the Town of Essex will circulate its Notice of Determination of Significance, and Negative Declaration [attached], and supporting Supplemental Full EAF to interested agencies pursuant to the SEQRA regulations.

Introduced by: Bryan Garvey

Seconded by: Claire La Pine

Date of Adoption: May 15, 2015

Certification: The foregoing resolution was duly adopted by the Town Board at its regular meeting held on May 14, 2015 by a vote of its members as follows:

	Yea	Nay
Edward Gardner, Supervisor	X	
Mark Wrisley	X	
Claire LaPine	X	
Bryan Garvey	X	
James LaForest	X	

Patricia Gardner
Deputy Town Clerk

Resolution 54-2015 CONSISTENCY DECLARATION, MAY 14, 2015

Resolution 54-2015 is being offered:

The Town of Essex Town Board has reviewed the proposed change in the Zoning Law to determine if they are consistent with the Local Waterfront Revitalization Program adopted in December 2002. In this regard it looked specifically at the proposed changes in the boundaries of the Shoreline Overlay District.

Since these revised boundaries are almost identical to those of the original District, the Town Board believes that adoption of the amendments is consistent with goals and policies of the LWRP because it affords the same level of protection to these lands when considered along with the other laws adopted by the town.

Motion Made By: James LaForest

Seconded By: Claire LaPine

The foregoing resolution was duly adopted by the Town Board at its regular meeting held on May 14, 2015 by a vote of its members as follows:

	Yea	Nay
Supervisor Gardner:	X	
Councilperson LaPine:	X	
Councilperson Garvey:	X	
Councilperson Wrisley:	X	
Councilperson LaForest	x	

INTRODUCTION OF LOCAL LAW 1 OF 2015

**ZONING LAW AMENDMENTS
RESOLUTION # 55-2015**

This Resolution is introduced by Bryan Garvey and seconded by James LaForest:

WHEREAS, the Town Board in 2003 adopted the Town of Essex Zoning Law and it has been in effect since that time; and

WHEREAS, the Town Board has received from the Town of Essex Planning Board recommended amendments to the Zoning Law of the Town of Essex, including a map entitled "Proposed Essex Zoning Map Changes", which sets forth proposed changes to Zoning classifications of certain lands; and

WHEREAS, prior to making such recommendations the Planning Board conducted extensive deliberations, meetings and consultations with the public and various interested parties; and

WHEREAS, the Town Board of the Town of Essex held a preliminary public hearing on the proposed amendments and map at its meeting held on December 31, 2014; and

WHEREAS, the Town Board held a duly noticed second public hearing on the proposed amendments and map on May 14, 2015; and

WHEREAS, the proposed amendments to the Zoning Law and map have been duly introduced by councilperson Bryan Garvey as Local Law #1 of the year 2015; and

WHEREAS, the Town Board, prior to adoption of this Resolution, has completed an environmental review under the State Environmental Quality Review Act ("SEQRA").

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Essex as follows:

1. The Town Board hereby adopts Local Law #1 of 2015 entitled "2015 Amendments to the Town of Essex Zoning Law";
2. The Town Board directs the Town Clerk to publish a copy of the amendments to the zoning law or a summary or abstract of them (exclusive of the map) once in the newspaper having a circulation in the Town of Essex and to file Local Law #1 of 2015 with the New York Secretary of State and to file a copy of the amendments and the map in the Town Clerk's office; and
3. Local Law #1 of 2015 shall be effective ten (10) days after the publication referenced above and upon its filing with the New York Secretary of State.

The foregoing Resolution is duly adopted by the Town Board at its regular meeting held on May 14, 2015 by a vote of its members as follows:

	Yea	Nay
Edward Gardner, Supervisor	X	
Mark Wrisley	X	
Claire LaPine	X	
Bryan Garvey	X	
James LaForest	X	

At this point the room broke out in applause. James Van Hoven asked for the floor and gave the following thanks you:

THANK YOU

Lots of people contributed to the effort that produced this Zoning Law revision. In addition to the resent Town Board, who reviewed and approved it, I want to publicly thank the following:

- Ron Jackson, who when Supervisor, started the process
- Steve Sayward, who initially chaired the revision committee
- Don Hollingsworth, Claire LaPine, Ted Cornell and Jim LaForest, who with me, comprised the revision committee
- Ed Gardner, who encouraged me to complete the revisions work and who supported it wholeheartedly
- Cathy DeWolff, who provided essential clerical, administrative and moral support
- Ann Holland, who prepared the thorough and excellent SEQRA reviews
- Bill Kissell, attorney, who guided us through the legal tangles associated with law revision, and critiqued the law as it was revised
- Brian Houseal, who, while with the Adirondack Council, provided funding to support Ann Holland's work and who critiqued the work and made helpful suggestions.
- Bob Sommers of NYS Ag and Markets and Anita Demming of Essex County Cooperative extension, who suggested additions to the law that strengthened support for farmers in Essex
- Frank Shirley, Sean Reynolds of DEC and Brian Grisi of APA who provided assistance with the new forestry sections. Brian also critiqued other portions of the law and traveled to Essex to meet with the Town Board
- Matt Kendall of APA, who spent countless hours developing and revising the excellent maps that are an important part of the revised law
- Chris Maron and CATS members, who provided useful critiques of proposed land use changes that resulted in the retention of the classification of low density lands in the western part of the town
- Lauren Murphy, Zoning Officer, who provided numerous helpful insights and assistance
- John and Miriam Klipper and others, who effectively advocated for retaining the existing density requirements in the expanded hamlet
- Harold MacDougal, who while on the Town Board, provided helpful input
- Andy Labruzzo of NYS Dept., who provided helpful assistance regarding the Shoreline Overlay District
- John Mesick, preservation architect and Essex resident, who provided helpful insights regarding the Historic District.

Resolution 56-2015 Time Clock Policy

May 14, 2015

Resolution 56-2015 is being offered to establish the following Time Clock Policy.

Purpose

The purpose of this policy is to outline the time clock policies of the Town of Essex.

Applicability

All employees (exempt and nonexempt) are required to use the time clock system to record their hours worked. Nonexempt employees are required to clock in and out for payroll and attendance purposes. The time clock records will be used to track attendance for exempt employees.

Time Clock Problems

If there is a problem with the time clock, employees should notify their supervisor who will in turn notify the appropriate office personnel.

Clocking In and Out

Employees should clock in no sooner than 10 minutes before or after their scheduled shift and clock out no later than 10 minutes before or after the scheduled shift. Nonexempt employees are required to clock in and out for lunch breaks in addition to at the beginning and end of the day.

If an employee misses the window for clocking into the timekeeping system, the employee should notify the supervisor as soon as possible. The supervisor will manually enter the employee's work hours and initial beside the entry. Employees who repeatedly miss time clock entries will be subject to disciplinary action.

Employees are required to clock out any time they leave the work site for any reason other than assigned work duties.

Employees must clock out for their designated lunch time if they are on-site (on the property the time clock is located), but should not clock out for designated break times. If an employee is working off-site at their designated lunch time and does not plan to return to the workplace to eat their lunch due to the hardship or inconvenience it may cause, the employee does not have to clock out, but must notify their supervisor they ate lunch off-site before they punch out for the day. The Supervisor will then make a hand notation of the time lunch was taken for that employee on their timecard.

Prohibited Time Clock Actions

Employees may not clock in or clock out for another employee.

Overtime

Nonexempt employees are permitted to work overtime only with prior authorization from their supervisors. Overtime includes clocking in early or late or working through the scheduled lunch period. Nonexempt employees who work overtime without prior authorization will be subject to disciplinary procedures.

Enforcement

Supervisors are free to use discretion in disciplinary actions when employees have various, albeit repeated, offenses to the timekeeping policy or procedure. Situations include when employees may have clocked in, but are repeatedly absent from their workstations during work hours or have missed time clock entries in addition to working unscheduled overtime.

The above to be read and signed by all employees involved.

Supervisor Gardner advised the board that this policy and use of time clock was suggested by the state comptroller's office for more accurate time recording of hourly employees.

Motion Made by: Mark Wrisley

Seconded by: Claire LaPine

Supervisor Gardner yes
Councilperson Garvey yes
Councilperson LaForest yes

Councilperson LaPine yes
Councilperson Wrisley yes

Resolution 57-2015 is being offered by the Town Board of the Town of Essex, in support for the Willsboro-Essex EMS and the services it provides to our community. The Town Board is most appreciative of the time and effort expended to continue to find a way to maintain this service.

Motion Made By: Bryan Garvey

Seconded By: Mark Wrisley

	Yea	Nay
Supervisor Gardner	X	
Claire LaPine	X	
Bryan Garvey	X	
Mark Wrisley	X	
James LaForest	X	

Resolution 58-2015 is being made to authorize Supervisor Gardner to prepare

MAP, PLAN AND REPORT, for the Town of Essex Ambulance District.

Supervisor Gardner explained that this is needed to map and plan the proposed EMS District. This is the first step needed to get the Willsboro Essex EMS started. The eventual goal is to combine our district with Willsboro for one district that will be taxed separately from the Town Budget like the Fire Districts are. He also showed what a proposed budget for the EMS Services may look like.

Motion Made By: James LaForest Seconded By: Claire LaPine

	Yea	Nay
Supervisor Gardner	X	
Claire LaPine	X	
Bryan Garvey	X	
Mark Wrisley	X	
James LaForest	X	

Resolution 59-2015 is being made to approve the Financial Report Update Document (AUD) for the fiscal year ending 12/31/2014.

Motion Made By: Bryan Garvey Seconded By: Mark Wrisley

	Yea	Nay
Supervisor Gardner	X	
Claire LaPine	X	
Bryan Garvey	X	
Mark Wrisley	X	
James LaForest	X	

Resolution 60-2015 is being made in appreciation of all the hard work Dr. James VanHoven has giving to the Town of Essex, serving on the Planning Board, on the Amendments to the Town of Essex Zoning Law.

His persistence and dedication has allowed the Town of Essex to move forward with the passing of this law.

Motion Made By: Bryan Garvey Seconded By: Claire LaPine

	Yea	Nay
Supervisor Gardner	X	
Claire LaPine	X	
Bryan Garvey	X	
Mark Wrisley	X	
James LaForest	X	

Resolution 61 -2015 is being made to authorize Supervisor Gardner to sign the Inter-Municipal Agreement with the Town of Willsboro in reference with to the Essex-Willsboro Transfer Station.

Supervisor Gardner advised the council that at the Willsboro Town Board meeting held last night that the board adopted this unanimously.

Motion Made By: Bryan Garvey Seconded By: Mark Wrisley

	Yea	Nay
Supervisor Gardner	X	
Claire LaPine	X	
Bryan Garvey	X	
Mark Wrisley	X	
James LaForest	X	

Resolution 62-2015 is being made to increase 2015 Budget. The adjustment is: Garden Project

Expense code 8510.4.01 by \$120.00

Revenue Code 2770.01 by \$120.00

Supervisor Gardner noted that this was given by the people who paid \$10 per box and it was mistakenly put into a capitol project and this is to put it into the proper account.

Motion Made By: Mark Wrisley

Seconded By: James LaForest

	Yea	Nay
Supervisor Gardner	X	
Claire LaPine	X	
Bryan Garvey	X	
Mark Wrisley	X	
James LaForest	X	

Supervisor Gardner thanked Bradley French and the Town Crew for the work they performed this spring cleaning up the streets and for sprucing up the front of the town hall. They also installed paver bricks and placed the Vanderhorst bench in its new spot. We have had a lot of great comments on how well it looks.

Supervisor Gardner asked the board to come up with a time and date for meeting with the Water/Sewer Committee in June. Bryan suggested that he set the meeting at 5:00pm so that he could attend and Jim asked that it not be a Wednesday. Supervisor Gardner will come up with some dates and email it out to set the meeting up.

Supervisor Gardner asked for a motion to pay Abstract #2015-5. Bryan Garvey made a James LaForest seconded motion to pay the abstract.

	Yea	Nay
Supervisor Gardner	X	
Claire LaPine	X	
Bryan Garvey	X	
Mark Wrisley	X	
James LaForest	X	

Town Clerk Report: Motion made by Bryan Garvey and seconded by James LaForest to accept the Town Clerk Report.

	Yea	Nay
Supervisor Gardner	X	
Claire LaPine	X	
Bryan Garvey	X	
Mark Wrisley	X	
James LaForest	X	

Supervisors Report: Motion made by Bryan Garvey and seconded by Claire LaPine to accept the Supervisors Report:

	Yea	Nay
Supervisor Gardner	X	
Claire LaPine	X	
Bryan Garvey	X	
Mark Wrisley	X	
James LaForest	X	

Highway Report: Been cleaning up the sand off the road, cutting brush and starting a major project on Christian Road the 1st of June. Also a reminder of Chip Day on Saturday at the dump.

Waste Water: Tina explained about the worm gears and how she would like to switch them out with gate valves. A discussion on getting quotes for the items ensued. Tina will try to get more quotes but there are a limited amount of suppliers. Supervisor Gardner explained that the furnace door is on wrong, it is supposed to egress out and Wayne Ryan of AES is supposed to correct this because of the timeframe of when the law was written versus the time the building was put up.

Water: There was an electrical problem with the 3 phase and one leg was gone. NYSEG has changed the way the power goes into the pump house. All is up to code, and the generator worked well. Tina thanked Bob Perry for letting us use his portable fuel tanks. It was a good thing Tina had the fuel credit card or we may have had a problem. There was also a discussion about finding the water leak with Rural Water on the Mueller property.

Cross Walks: Supervisor Gardner reported that Emily had come to see him about the cross walks and that he understood that Meg Parker would call. She did call this afternoon stating that Chris Garrow would contact him which he did not. This project will not be put into motion until the county is complete with their project.

Councilperson LaPine reported that she attended the county youth committee meeting. They were pleased with the amount of children attending. They have 4 girls softball teams and 6 boys baseball teams. They talked about the cost different towns charge. Willsboro was not there so she had nothing to report. Ed stated that at the meeting in Willsboro they spoke of having 2 beaches with 3 life guards.

Mr. LaForest had a question on the greenhouse on the Zoning Officers report. Lauren stated that at the former Coonrod property they put a greenhouse behind their house perpendicular to the road and that the stand would be there as well.

County Report: Supervisor Gardner told the board that Mike Mascarenas has asked the supervisors to come up with a list of buildings or lots that pose a hazard and need to be cleaned up. The state may come up with money to help towns to clean-up sites.

Chris Maron asked to speak on behalf of the Eddy Foundation and is asking that the planning board not to issue a permit for a project on the Cook Road. The deed was written incorrectly. There is another issue that this building is on a seasonal road and if this permit is approved the town will have to maintain this. They feel that the extra cost will increase taxes to which the Eddy Foundation is a taxpayer. Supervisor Gardner stated he personally feels that the first issue has to be dealt with by both parties and the town cannot step into this. As for the seasonal road issue, he contacted the Association of Towns and there is nothing the town can do. If a house is built on a seasonal road, the town must maintain the road. Bradley confirmed that his road superintendent book also states that.

Supervisor Gardner adjourned the meeting.