

1 TOWN OF ESSEX
2 PLANNING COMMISSION MINUTES
3 January 28, 2021
4

5 PLANNING COMMISSION (PC) PRESENT: Dustin Brusco, Chair; John Mangan, Clerk;
6 David Raphael; Tom Furland; Ned Daly; Jonathan Schumacher; and Alternate John Alden.
7

8 VISITING VILLAGE COMMISSIONER: Diane Clemens.
9

10 OTHERS PRESENT: Owiso Makuku, Community Development Director; Sharon Kelley,
11 Zoning Administrator; Darren Schibler, Planner; Jean Ashe; Patty Davis; Ken Mincar; Al
12 Senecal; Brian Bertsch; Doug Henson; Rob Conboy; Jim Bernegger; and Town Meeting T.V.
13

14 Chairman Brusco welcomed Village Planning Commissioner Diane Clemens and stated that she
15 would be included in discussions but would not participate in application votes.
16

17 Chairman Brusco read the Covid-19 Public Hearing oath and noted changes to the Agenda. In
18 addition, after hearing that Dennis Lutz, scheduled speaker under Agenda Item 3, will be late and
19 may not be able to attend due to his presence being required at the Selectboard hearing, he stated
20 that the PC will skip Agenda Item 3 in hopes that Lutz will make the meeting.
21

22 **AGENDA ITEM 1: PUBLIC COMMENTS:** Sharon Kelley, Zoning Administrator,
23 explained that this application met the requirements for consent agenda. She called out some
24 minor changes to the draft approval letter.
25

26 Patty Davis, reported information to pass along to Dennis Lutz that she told him she would get to
27 him regarding elements of the ETC|NEXT Plan and possible grants that may be available.
28 Chairman Brusco advised her to send Lutz an email with her information if he was not able to
29 make the meeting.
30

31 **AGENDA ITEM 2: CONSENT AGENDA: BOUNDARY LINE ADJUSTMENT &**
32 **MINOR FINAL SITE PLAN AMENDMENT: ALLEN BROOK DEVELOPMENT, INC.**
33 **& GLAVEL, INC.: PROPOSAL TO DISSOLVE A BOUNDARY LINE AND PERFORM A**
34 **NUMBER OF SITE IMPROVEMENTS INCLUDING 2 STORAGE SILOS LOT**
35 **LOCATED AT 131 & 135 RED PINE CIRCLE IN THE RESOURCE PRESERVATION**
36 **DISTRICT-INDUSTRIAL (RPD-I). TAX MAP 72, PARCELS 12-4 & 12-5.**
37

38 **Commissioner Schumacher MOVED and Commissioner Furland SECONDED a**
39 **MOTION to approve the Consent Agenda Boundary Line Adjustment application for**
40 **131 & 135 Red Pine Circle, including minor changes.**
41

42 **The MOTION passed 7-0.**
43

44 **AGENDA ITEM 3: DISCUSSION ON TOWN CAPITAL PLAN-DENNIS LUTZ:**
45

46 Dennis Lutz provided his yearly update to the Capital Plan. He stated that the Selectboard is
47 going to re-review the Plan next Monday as there are more improvements to be made to the
48 document. The discussion focused on the 2-cent capital tax. Lutz described that they are looking
49 at active projects versus actual expenditure, and how the difference will be made up by using

50 impact fees and grants. He provided several examples, such as placing \$190,000.00 into the
51 capital account under ‘Equipment’ which allows them to stay out of the operating budget. This
52 method balances the records. He walked through some slides and described where and how the
53 funds are managed. He stated that Memorial Hall needs some more space and repairs. He
54 intends to fix the front stoop as it is in disrepair. No money from the 2-cent fund will be used for
55 this repair. There will be no Tree Farm expenditure this year but for a new roof and paint on the
56 storage building. His goal this year is to catch-up on repairs to buildings. He described types of
57 improvements needed at Route 15/Allen Martin Drive intersection. He reported that the State is
58 behind on making improvements to this intersection, therefore he plans to use impact fee money
59 for bids so that improvements can be made, such as where the island should go, curbing and
60 drainage. He spoke about a second pump station going in on Route 15, which will improve flow.
61 He hopes to be able to replace the waterline from Billie Butler to Essex Way. He noted that
62 Hamlin Engineering is looking at the sewer system and the Town will build a portion. He toyed
63 with obtaining a loan with the State as the State is giving money for forgiveness on loans – up to
64 75%, up to 1 million dollars. He said it would require a municipal bond first, with a forgiveness
65 request after receiving the money. Due to the merger vote, the timing for this was just not right.
66 He noted the pump station across from The Essex is near capacity. Hamlin Engineering is now
67 looking at this study. It will likely be a whole new pump station. He is looking at the pipes in
68 the Village and looking at the cost benefit. This remains to be decided. He spoke about the
69 speeds on Route 15, noting that the State plans to put in a traffic light by 2022 at the intersection
70 of Route 15/Sand Hill Road. He gave a shout out to Ann Constandi, Town Stormwater
71 Engineer, as she has made great progress on the Town Stormwater permit. He stated that
72 approximately 400’ of lower section West Sleepy Hollow Road will become a Class III public
73 road as it has been paved using fees collected from new lots on the road. They continue to save
74 fees to pave in increments. He discussed the trail networks around town.

75
76 Patty Davis offered to assist with working on grants. Lutz thanked her but noted it had to be a
77 town employee, as it takes more than putting an application together. A staff person must
78 manage the grant, if received.

79
80 **AGENDA ITEM 5: SKETCH-SUBDIVISION-PUBLIC HEARING: WHY NOT, LLC:**
81 **PROPOSAL TO SUBDIVIDE A 3 ACRE PARCEL FROM A 125 ACRE PARCEL**
82 **LOCATED AT 39 ESSEX WAY IN THE MIXED USE-PLANNED UNIT**
83 **DEVELOPMENT (MXD-PUD) DISTRICT, RETAIL-BUSINESS (B1) SUBZONE. TAX**
84 **MAP 91 PARCEL 10.**

85
86 Darren Schibler, Planner, discussed the following points on this application:

- 87
- 88 • He described the property location and its proposed location into the site;
 - 89 • He noted that the property under review is known as Parcel C;
 - 90 • He presented an Overall Lang Farm development plan; and described the surrounding
91 properties and uses, noting that Parcel C was the second to last parcel developed within
92 its Master Plan;
 - 93 • He noted that Parcel C still has undeveloped acreage on this parcel as the proposed
94 development is a 3-acre subdivision on a vacant plateau;

- 95 • If the 3-acre parcel is approved, the remaining parcel has additional lands that could be
96 developed, and the PC should determine if they want a Master Plan for Parcel C or for the
97 3-acre parcel;
- 98 • The proposed plat does not show the required easements needed for the driveway and
99 utilities;
- 100 • He noted that any access needs to be off the golf course access and that, depending on
101 future development, a public road may be needed in the future;
- 102 • The proposal is considered a major subdivision, however he suggests that preliminary
103 and final be combined; and
- 104 • He referred to Public Works Memo noting that the applicant needs to provide sewer
105 allocation information at the next level of review.

106
107 Doug Henson, P.E., Lamoureux & Dickinson spoke on this application. He pointed out some
108 inconsistencies in the Staff Report on Lines 28-30, as there is no Parcel E, however Parcel E1 &
109 E2 exist behind LDS Church. He noted that Parcel C has never been platted and is the remaining
110 lands of Lang Farm. He noted that now is the time to survey Lot C1 and approve the proposed
111 lot. He confirmed with Public Works regarding the access easement off the golf course and has
112 no objections. They will provide an easement to either the lot owner or to the Town. He noted
113 that the Master Plan staff showed was reasonably close to the most recent, however to update the
114 entire Master Plan would be a huge undertaking. He stated that there is a waterline with an
115 existing easement on the SW corner of the plateau, closest to the club house, and stubs are in
116 place and will be straight forward for future development. He suggested the request for a Master
117 Plan was unfair, as Freeman Woods or Ace Hardware were not required to provide a Master
118 Plan.

119
120 Chairman Brusco and the PC agreed that the existing Master Plan is adequate.

121
122 **Commissioner Alden MOVED and Commissioner Furland SECONDED a MOTION to**
123 **approve the application for 39 Essex Way, subject to a Staff Report dated 1/28/21, with**
124 **the following changes:**

125
126 Line 27: After ‘Parcel C’ place a period;

127 Lines 28-30: Delete the remaining sentence and the second sentence. The last sentence remains;

128 Line 62: After “constitutes” add “a portion of” and delete “E, and a portion of B”.

129 Lines 163-164: Delete.

130
131 **AGENDA ITEM 5: MINUTES 1/14/21:**

132
133 **Commissioner Raphael MOVED and Commissioner Furland SECONDED a MOTION to**
134 **approve the 1/14/21 minutes as written. The MOTION passed 7-0.**

135
136 **AGENDA ITEMS 6: OTHER BUSINESS:**

137
138 Commissioner Daly asked when the PC will be meeting with the Select board re: ETC|NEXT.

139 Owiso Makuku reported that it was confirmed for the February 25th PC meeting.

140
141 Commissioner Alden reported that the Village is embarking on the latest round of

142 Development Code updates, and they may discuss with the PC and staff.

143

144 The meeting adjourned at 7:49 p.m.

145

PLANNING COMMISSION

146

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By: _____

148

Dustin R. Brusio, Chair