

VILLAGE OF HOMER PLANNING BOARD
Minutes of Regular Meeting – Monday, 10 February 2020 – 6:30 PM
Town Hall – North Main Street – Homer, NY

Board Members (*absent)

*Mahlon Irish, Jr., Chairman
Michael Pollak, Acting Chairman
*Donald Ferris
Ashley Neiderman
Richard Hemmings

Others Present

Dante Armideo, Village Attorney
Joan E. Fitch, Board Secretary
Kevin McMahon, CEO
Kristen Case, Village Deputy Clerk
Patrick Clune, Village Trustee

Applicants & Public Present

None.

REGULAR MEETING

The Regular Meeting of the Village of Homer Planning Board was called to order at 6:40 p.m. by Acting Chairman Michael Pollak.

OLD BUSINESS - None

NEW BUSINESS

Amber Oursler, Applicant/Debra Sanford, Reputed Owner – 10 Franklin Street – TM #66.65-01-25.000 – Home Occupation in R-1 District

(Note: Reference is made to the 12 November 2019 meeting Minutes of this Board where the applicant was approved for a home occupation, selling of essential oils.)

Acting Chairman Pollak reviewed the items received from the applicant, along with copies of pertinent paperwork from the Deputy Village Clerk, which included a Property Compliance Order from CEO Kevin McMahon, issued in response to neighborhood complaints, copies of all of which have been placed on file for the record.

Acting Chairman Pollak recognized CEO McMahon who explained that since the granting of the applicant's first Conditional Permit to sell essential oils, Ms. Oursler has expanded her business to include other merchants, including possibly yoga classes and massage, and other vendors who are marketing out of the subject address, 10 Franklin. He stated he had received complaints from the neighbors, both phone calls and emails regarding issues of parking and the fact that no one seemed to think that the applicant lived on the premises because the only hours there was anyone there was during her business hours. CEO McMahon reported that, in response to these complaints, he visited the subject location on and off, different hours of the day. As a result, he issued a notice to Ms. Oursler stating she was not in compliance with the Conditional Permit issued in November 2019 and, therefore, she either needed to cease business entirely, scale back the business to what she was granted, **or come back before this Board with a new application for a new Conditional Permit** giving her permission to market the other items, have classes, etc. "That is the packet that you have in front of you."

Acting Chairman Pollak referred to the Zoning Code which gave the definition of Home Occupation on page 22899 as follows:

“In any residential district, any gainful occupation conducted by member of the immediate family owning and residing on the premises may use parts of a dwelling for a home occupation, provided that the following conditions are met and a permit is issued by the Code Enforcement officer:”

Acting Chairman Pollak read aloud Item I under the above paragraph which stated:

No articles shall be sold or offered for sale or rent except such as may be produced on the premises.”

He noted that neither the applicant, nor any representative, was present. Deputy Clerk Kristen Case advised that she had called the applicant who said that she was not present because Ms. Case, who had advised the applicant of the date and time of this meeting when the applicant came to the Village Office last week for the paperwork, did not confirm the meeting via email. However, Deputy Clerk Case reported that the applicant did want to come before the Board.

CEO McMahon stated that he had instructed the applicant (over the phone) that she was to cease doing business with others or with products other than she had permission for.

Member Ashley Neiderman commented on the applicant’s remarks in her 6 February 2020 letter of response to Deputy Clerk Case. Ms. Oursler said her application stated the business was “custom blend essential oils and the like.” But, she complained, the Board never asked her what “the like” was. Acting Chair Pollak noted that there was a photo (taken from the website) that indicated that she sells oils by somebody made in Preble. Member Neiderman added that the applicant cannot sell items that she is not making; that’s not what a home occupation is.

At the conclusion of the discussion, **a motion was made by Member Neiderman to postpone the Site Plan Review for a Home Occupation until the 9 March 2020 meeting of this Board, 6:30 p.m. The motion was seconded by Member Richard Hemmings, with the vote recorded as follows:**

**Ayes: Acting Chairman Pollak
Member Neiderman
Member Hemmings**

Nays: None

**Absent: Chairman Irish
Member Ferris**

Motion carried.

This becomes Action #8 of 2020.


APPROVAL OF MINUTES – 13 JANUARY 2020

It is noted for the record that, although on the Agenda, those Board members present had not read the subject Minutes, so it was decided to revisit this at the next meeting, 9 March 2020.

No Action Taken.

ADJOURNMENT

At 7 p.m., on a motion by Member Hemmings, seconded by Member Neiderman, and with all members present voting in favor, the meeting was adjourned.


Joan E. Fitch, Board Secretary

E-mailed 2/11/20 to Mayor, DE, KC,
Vill. Atty., Co. Planning, CEO & PB Members.