

**PLANNING BOARD TOWN OF KEENE
MONTHLY MINUTES**

Date: May 12, 2026

Kind: Regular Planning Board Meeting

Place: Keene Town Hall

Board Present: Linda LaBarge, Larry House, Keith Wadsworth & Linda Deyo, Brian Crowl & Robert Hickey

Larry House Co-Chair at 9:03 made a motion to wait till Brian Crowl to arrive to proceed with the regular monthly meeting 2nd by Linda LaBarge - **CARRIED**

Board Absent: Ron Hall

Others Present: Gordon Costin (Codes) and Roger Allen

Pledge of Allegiance

Call to Order: Brian Crowl arrived and called the meeting to order at 9:25 am

Approval of Minutes:

A motion was made by Linde Deyo and 2nd by Keith Wadsworth to approve the minutes of the Planning Board Meeting April 2026 - **5 CARRIED - Brian Crowl Abstained**

NEW BUSINESS

K-26-08 MEARS, ALEXANDER - SFD
218 GRIST MILL ROAD, KEENE, NY 12942
TAX# 53.2-1-46.005

Bob Biesemeyer presented today with application for the Mears project. Site is all staked out, Planning Board will complete a site visit after the meeting today. Project **PENDING** awaiting 1. Deed 2. APA

5/12/26 – Deed and APA have been received

OLD BUSINESS

K-26-07 WOLTNER, EMMA – ADDING RENTAL TO HOME 991 HURRICANE ROAD, KEENE, NY 12942 TAX# 45.3-1-62.000

Mrs. Woltner has applied for an Essex County Grant for low-income house where you add an extra dwelling into your home and rent for a 10-year period as a lower income housing. This would be a 15 x 15 room in the basement of her home with sliding glass door to the outside. It will have either a murphy or futon for the bed, small kitchen roughly 10' long. She will add a bathroom and laundry room. Brian Crowl stated that she will need to apply for a change of use to start. Mrs. Woltner reviewed some hand drawn plans with the board which she denied leaving for the file with the application. Brian Crowl stated he does not feel they need septic information due to the house is a 3-bedroom home and is currently only a two bedroom. Brian Crowl explains she needed two separate applications 1. Change of Use which they could approve today if she submitted payment today. 2. Application for conversion from basement to apartment due to adding a bathroom. She does not want to pay for change of use until she finds out from Essex County that she is awarded the grant. Brian Crowl also stated if the septic is evaluated get update to the board when done. – **PENDING**

UPDATE – 4/14/26 - Mrs. Woltner presented project to the board, Linda LaBarge reviewed application again and determined that it was incomplete with no signature, no check or plans in the file. Mrs. Woltner stated she would give a set of plans however at end of meeting not plans were submitted. Mrs. Woltner stated that in the site plan review law book she does not see where it stated she should be charged for change of use and Conversion of the Basement as stated by the board at the prior monthly meeting.

After a long board conversation, it was determined that at this time the Planning Board needs the following;

NEED

1. Completed Application

2. Check for \$100.00
3. Plans for the project

Once the above are completed the board can move ahead a head to approve the project. Board will contact Brian Crowl and have him send a letter of explanation.

UPDATE 5/12/26

Gordon Costin (Codes) did a site visit stated this needs more work. You need to walk through 300' of grass in order to get to the access of the house and needs a pit for the pump. As for the Planning Board still need 1. Application 2. Check

K-25-22 AYLWARD, PHILIP & KATHLEEN – SUBDIVISION
NYS 73 73, KEENE, NY 12942
TAX# 53-1.3.111

7 Lot Subdivision with 20' wide access road, onsite wastewater treatment system with individual water supplies to each lot. There will be not visual change from Rt. 73 aside from the drive entrance.

NEED:

1. FULL SURVEY MAP
2. APA PERMIT
3. SITE VISIT
4. LOTS LAYED OUT

BOARD DECISION: Board agreed to Table– PENDING – 5 YES

Joe Garso, Mr. & Mrs. Aylward and sons were present today and provided, Items 1-4 from above. Six lots will be sold and Owners will keep one lot for themselves. Septic is 100' from wetlands. LGF was submitted. Subdivision stakes out will not take place till approval is done per Joe Garso. There is a log road if Planning Board wants to go up prior to being staked out. Each individual lot will need individual approval from the planning prior to building including the owners.

NEED: APA PERMIT, DOT PERMIT & DOH

DECUSSION: Motion to table by Brian Crowl 2nd by Keith Wadsworth – 5YES

UPDATE 2/10/26

Talked with Joseph Garso of North Woods engineering, PLLC over the phone in regards to updated information needed on the project.

1. FULL SITE MAP RECEIVED
2. APA PERMIT RECEIVED

NEED:

1. SITE VISIT
2. LOTS LAYED OUT
3. DOT COMMERCIAL DRIVEWAY PERMIT
4. SEQR FORM COMPLETE - NY 10NY CRR PART 97

DISCUSSION – TABLED

UPDATED 3/10/26

APA Full Environmental Assessment Form was filled out by Brian Crawl and emailed to Joe Garso. – This is Part 2 & 3 making the Planning Board Lead Agency.

UPDATED 4/14/26

Joe Garso sent an email to Brian Crawl that they are ready for a site visit. Keith Wadsworth requested that an email be sent to every Planning Board Member with date and time of said site visit.

UPDATED 5/12/26

Planning Board completed site visit everything is good. Brian Crawl asked for a full-size survey map to be submitted. Motion to approve the project **PENDING** full-size survey map by Brian Crawl 2nd by Linda LaBarage - **CARRIED**

DISCUSSION

K-25-32 **OUTERBRIDGE, ANDREW - SFD**
302 STYLES BROOK ROAD, KEENE, NY 12942
TAX# 36.2-1-000

Andrew presented today with his application and full set of plans. Andrew explained he has APA approval in 2012 and was told by APA that a 2nd unit cannot be put on the property in the future. Overall size of the residence with garage will be 4800 sq. ft. Home is currently staked out a site visit. Septic plans are in the process. - **PENDING**

NEED: 1. Updated APA NJ Letter
2. Site Visit – scheduled for 10/8/25
3. Septic Plans
4. Full Size Map

DISCUSSION – Board agreed to Table till November meeting – **PENDING – 5 YES**

DISCUSSION – Awaiting APA Letter Board agreed to Table – **PENDING – 6 YES**

UPDATE 5/12/26 - Derrick issued a permit original for Highland Farm not for this Project. Brian Crowl will call Mr. Outerbridge and review with him.

RED SCHOOL HOUSE/MR. & MRS. JESSEN – Derrick Martineau left a Stop Work Order on door June 10th requesting owners come in front of Planning Board.

UPDATED 8/13/24 - Code Enforcement Officer will proceed with Court Paperwork

UPDATED 10/8/24 - First week November Essex County Sherriff serve paperwork

UPDATED 11/12/24 – Court Date 11/25/24

UPDATED 12/10/24 – Court never received paperwork. Derrick emailed stated today and will send me a copy today to forward to the board

UPDATE 01/4/25 – Discussion was had to have Town Attorney move ahead with this matter. Brain Crowl will go to the Town Board meeting tonight and present this matter to them. All in Favor – **5 YES**

UPDATED 2/11/25 – Presented the board with the packet from Derrick Martineau that was sent to the lawyer. Keith Wadsworth got a text from the Little Red School House owners to plow and he has the owners phone number. Owner has a renter coming this month. Tina offered to call an get ahold of the owner and explain and see if they can get the owner to come in front of the Planning Board.

UPDATED 2/11/25 – Tina t/w owner he stated he was out of town for a month and never received any paperwork or a stop work order. He also stated that I could send anything I wanted to his Lake Placid address and he would look at it when he got back. However, all he would keep saying is the owner before me rented it so I can. I kept explaining that he needed to come in front of the Planning Board and his answer was the owner before me rented it. All this information was sent to the town Attorney Bryan “Liam” Kennelly.

UPDATED 3/11/25 – Liam Kennelly has been working on paperwork to stop advertisement on this rental on all Air bnb sites due to no application has been submitted to the Planning Board for approval.

UPDATED 4/8/25 – Mr. & Mrs. Jessen presented today with Building Application. They stated a new well was installed, addition off the back 12x20 was added. Town of Keene Code Enforcement Officer made a site visit NO violations. Planning Board agreed to make Pending information needed - **PENDING**

NEED: 1. Application 2. Site Map 3. Site Visit anytime call 253-691-1638

UPDATED 5/13/25 – Site visited was done after meeting on 4/8/25 by Planning Board Members. Owner stated they owned lot on side of the house and Tom Hickey is questioning the driveway and would like to see a map.

NEED 1. APPLICATION

UPDATED 6/10/25 – The Jessen did not attend the meeting or send a representative; we are still waiting for an application. It was discussed with the Planning Board, Code Enforcement Officer and Town Supervisor to have the Town Attorney take action.

UPDATED 7/8/25 – Per Brian Kennelly as presented by Joe Pete we should appoint the Town Attorney as Administrative Officer this way gives him authority to take it to court. It was discussed they were removed from Air B&B for 60 days. Tom Hickey made the motion to move forward with Brian Kennelly as Administrative Officer and Linda Deyo 2nd – **CARRIED 5 -YES**

UPDATED 8/13/25 – Mr. & Mrs. Jessen along with Mr. Bob Marvin (Surveyor) were in attendance today. They were here to discuss a variance. Town Attorney was called on phone to discuss the process going forward it was determined after discussing with the Owners, Planning Board & Attorney that the Owners contact the adjacent home owners and get a letter from them. Our Site Plan Review does not have this in writing it was discussed if they take issue with this process, they should take it up with the Town Board & The Town Attorney due to this is the way this is how the town has run for many years and a president has been set.

Bob Marvin reviewed the letter that was sent to Mr. & Mrs. Jessen listing items to be completed and stated nowhere did it list that they needed to contact the adjacent land owners. Mr. Kennelly explained that these items were to keep it from further court proceeding. Mr. Kennelly also reminded them once again that they did not at any time during this whole process ever get a building permit for all of the construction that took place at this property. If that had of happen when drilling a well, installing a

bathroom this would have automatically brought you in front of the Planning Board where you would have been notified of the 15' setbacks.

During the process Mr. Joe Pete Wilson, Supervisor did intervein asking Mr. & Mrs. Jessen if they understood that the planning board was trying to follow proper guide lines of the Site Plan Review Law.

Per Bob Marvin there is a Utility Easement as well and Larry House does not think that this will not be an issue.

DECISION BY THE BOARD & TOWN ATTORNEY – NOTIFY THE ADJACENT OWNERS AND GET A LETTER OR PUT THEM ON NOTICE OF NEXT MEETING. – PENDING

UPDATED 9/10/25 – Mrs. Jessen is here today for the Variance she applied for. Mrs. Kathleen Purdy had submitted a letter to the Planning Board and Larry House explained that Mrs. Purdy is not granting approval due to the addition on the back is within 1'ft from her property line.

Larry House stated that his understanding is without the adjacent property owner approval of this variance the board cannot grant a variance. Brian Crowl stated that in the law book it does not state that the Planning Board needs approval from adjacent property owners to grant variances. Brian states the Planning Board has the power to grant or deny and feels they should make a motion to do that.

Brian Kennelly Town Attorney requested that the Planning Board go into Executive Session for legal advice.

9:18AM Brian Crowl made a motion to go into Executive Session 2nd by Ron Hall

9:26AM Brian Crowl made a motion to come out of Executive Session 2nd by Keith Wadsworth.

Brian made a Motion to approve the Variance 2nd by Linda LaBarge

Discussion - None

ROLL CALL

Bryan Crowl – NO

Ron Hall – NO

Larry House – NO

Linda LaBarge – NO

Keith Wadsworth – NO

5 NO – on granting the variance

Brian Crowl proceeded to state that a motion is being made at this time to allow Mr. & Mrs. Jessen 10 day to appeal the planning board's decision.

Brain Crowl made motion to allow Applicants 10 days to appeal 2nd by Keith Wadsworth. **CARRIED – 5 YES**

With Variance being denied a Public Hearing will be held to give public a chance to comment.

Motion for PUBLIC HEARING will be set within 30 days at the next Planning Board meeting on October 8th Motion made by Brian Crowl 2nd by Ron Hall – **CARRIED – 5 YES**

Mrs. Jessen asked for a copy of Mrs. Purdy's letter and that was granted and given.

Mrs. Jessen asked if Building Permit is required to tear down a building and Brian Crowl explained that a Demo Permit is needed and that is through the Codes Enforcement Officer. Brian did explain NYS Rule 56 regarding asbestos.

UPDATE – 10/8/25

Mrs. Jessen

- stated that they do their best to make sure no one approaches the other property line when in their residence.
- 15' set backs on the other 3 sides
- Culture Heritage – The State placed the house their when they widen the road
- Building is positive to the area with the work they have completed on it.
- Mrs. Jessen also asked the board if they read through her appeal documents.

Brian Crowl stated that they will not make an official decision on this hearing today.

Bob Marvin

- Does they Planning Board have anything to offer at this time for appeal he was not at the last meeting.
- No Zoning
- No Subdivision
- Only a Site Plan Review book which he feels the board is asking out of line requirements/overreaching.
- How do you apply for a variance – nothing in the book for this or to offer an appeal
- It was stated that when denied, if approved it would set a president and open the

town up for a lawsuit.

-Problem is that this been over several months for the process

Brian Crowl stated that they will not make an official decision on this hearing today. Brian explained that the variance was denied and a public hearing was set to hear from the public and consider their comments. He continued to explain that Town Law Book stated if someone wishes to overturn the ruling of the board, they can take it to NY State Supreme Court.

Brian stated that the board has received advice from Legal Counsel and that is what the decision of denial was based on.

Larry House – Variances have always been written that you need adjacent property owner written approval.

Mr. Jessen – Furter discussion as do they need to reappear next month? They had 10 days to appeal and they did.

Joe Pete Wilson - If no action then it can be reviewed the same.

DECISION – At this time board will review with Town Council.

UPDATED 11/12//25 - Brian Crowl stated based upon the information presented at the public hearing held at the Town of Keene Town Hall on October 8, 2025, Brian Crowl made motion to reconsider what was originally decided on the Jessen Property Ron Hall 2nd the motion for discussion. Currently Brian Crowl makes a motion to go into executive session 2nd by Ron Hall all in favor - **6 YES** 9:29 am

9:39 am Brian Crowl made a motion to return to regular session 2nd by Ron Hall, all in favor. On the original motion to reconsider based on the public hearing we will take a roll call vote; Linda LaBarge asked if this was to reconsider the original motion and Brian Crowl stated yes to deny the variance. Roll call vote taken;

Brian Crowl – No

Ron Hall - No

Keith Wadsworth – Recuse

Larry House – No

Linda Deyo – NO

Linda LaBarge – No

5 – No 1- Recuse

Brian Crowl stated based on the information presented in the appeal submitted by the Jessen, submitted to the Town of Keene, Town Hall, September 22, 2025, Brian Crowl makes a motion that the board reconsiders its original decision based on the information presented by the Jessen's 2nd by Ron Hall. Brian Crowl makes a motion to enter executive session to discuss 2nd by Ron Hall all in favor -6 YES 9:43 am

9:43 am Brian Crowl made a motion to return to regular session 2nd by Linda LaBarge – all in favor – 6 YES

Based on the motion at hand to reconsider the appeal that the Jessen's submitted it was voted on by roll call vote;

Brian Crowl – No

Ron Hall – No

Linda LaBarge – No

Keith Wadsworth – Recuse

Linda Deyo – No

Larry House – No

5 – No 1- Recuse

DISCUSSION;

Local Government Form for the Aylward Project - Brian Crowl and Larry House will sign even though they have not done a site visit, they can send it in and check that they have not made a decision yet.

Bob Marvin -

- What is the status now? Project Denied? Brian Crowl stated yes, the original variance was denied. Bob Marvin based on the one neighbor? No comment from the public? So, the only recourse is Article 78 and Brian Crowl stated that is his understanding.
- Larry House asked what Article 78 meaning was and Brian Crowl stated appeal to NYS Supreme Court.
- Bob Marvin stated that the only appeal from this board's decision is a civil law suit. against the Town Planning Board.
- Bob Marvin stated where do you leave them at this moment there is no CO, no recommendations to do anything, appeal and variance denied. It up in the air what's next? Brian Crowl stated he does not have an answer to that question because he is not the Building Code Enforcement and not part of the Town Board and they made their decisions based on the Planning Board and Bob Marvin stated

with Legal guidance and Brian said with legal guidance from the Town Council and they are in a tough spot with a lot of it was their own doing. But the board is also in a tough spot.

- Bob Marvin stated yes but he was not involved in the part of the process in the beginning and not sure how it all got started, he was hired for a survey. Bob tried to help through the Planning Board process. Brian Crowl explained that the Planning Board process is if you have a piece of property and you want to put an addition on it you obtain a permit. Bob & Brian discussed the process and then Bob stated when they were notified, they came to the Planning Board in good faith to move forward and he feels they did that.
- Brian Crowl stated he feels they can agree to disagree on that.
- Bob Marvin then stated Town has a Site Plan Review Law, however no zoning. Larry House agreed and stated they totally ignored it. Bob stated once the Jessen's found out they were in violation they came to the Planning Board to rectify. However, with Planning Board process denying the variance the way he reads the Site Plan Review Law there are no setbacks there is 15' recommend for fire protection for access around the building that is not a setback.
- Larry House stated that was for the Lawyers to handle and Bob Marvin said no that is not for the Lawyers to handle that is for the board to handle.
- Brian Crowl stated at this time the Town is taking steps to visit the site plan law to clarify several things including setbacks clearer and several other things, things can only get better with time if they are looked at and mortified with time.
- Larry House stated the fact remains if they had come to the Planning Board before they started the project, we would have denied it as presented. So just because they didn't come to use doesn't mean it will be approved because they were in violation of the site plan review law from the beginning and Bob Marvin agreed.
- Bob Marvin – The variance process – You don't have a variance process; you have a zoning version of it. If you have Zoning you would have 5 things you would have to answer and Bob stated you have not answered them. He appreciates what you have done but things get out of hand.
- Bob Marvin asked if they could get copies of minutes from this meeting and past meetings, yes you can, they are posted on the bulletin board, the Jessen have already gotten copies. Bob Marvin stated they have a time clock of 30 days from the filing of Planning Board decision to start the appeal decision.
- Bob Marvin stated that when the minutes of this meeting are filed, we now have 30 days of filing from the time you file with your Town Clerk.
- Bob Marvin wants the Minutes when they are approved after they are approved from the December 2025 Planning Board Meeting. He is aware he can get them off the bulletin board at the Town Hall.

UPDATED 5/12/26

- Gordon Costin (Codes) did a check on the project – They are 3’ off the property line and the Jessen we’re allowing the AB&B individuals use the Purdy property with a fire pit and Picnic tables. Linda Labarge stated the Jessen lied to the Planning Board when they did the site visits as to where the property line was. Gordon suggested maybe a buffer with

a

fence in the 80’ section and fine them 3 different time and some of violations he had found so far. Brian Crowl feels currently it is in the hands of the Town Attorney.

- Gordon stated if under 50’ do not need a permit, we should not be calling planning Board approval a permit. Also, everything should go through Buildings first before it Goes to the Planning Board. Brain Crowl In our Site Plan Review it states if over 500’ or new structure under 500’ and has plumbing you need to come in front of the Planning Board. Per Brian they drilled a well and put plumbing in the house.
- Brian Crowl stated that the DOH does not allow anyone to put in a gray water system, because in the end they hook up a toilet up to it and end up putting brown water in the septic. Therefore, they don’t do gray water system they need some type of engineered system because they have a well that is putting water into the house that is putting dirty water into the ground. So where did they put the gray water/septic in since no permit was done for it? Gordon has been talking to Matt Norfolk the Jessen Lawyer in regards to some of these questions.
- Brain Crowl would like Gordon to get information from Matt Norfolk on what type of septic was installed, plans and proof that it is 100’ from the well. Matt Norfolk gave Gordon 2 pages of all the things that have been done too the Little Red School House but they were not legible so Gordon is going to request another copy.
- Brian Crowl wants Brian Kennelly to give his opinion on what the next step should be at this point. Gordon Costin will be in contact with the Town Attorney.

DISCUSSION:

Colter Berg – APA Letter still needed

Motion to adjourn Linda LaBarge 2nd Linda Deyo

The meeting was adjourned at 10:35 am. Respectfully submitted by,
Tina L. Terry Preston

Next meeting – Tuesday June 9, 2026 @ Keene Town Hall