

Town of Coxsackie Planning Board
Meeting Minutes
September 4, 2014

I. Call to Order

Chairman Clark Pell called the regular meeting of the Planning Board to order at 7:00 p.m. at the Coxsackie Town Hall.

II. Pledge of Allegiance

III. Roll Call

Board members Frank Gerrain, George Eignor, Bill Whitbeck, Richard Bruno, Hal Beaumont were present; Gordon Pebler was absent. A quorum was duly noted. J. Theodore Hilscher, Esq., provided legal counsel to the Planning Board.

Guests in attendance were: Rosemary Muller, Don Cross and Brian Smith/Ducommun, Tom Andress/ABD Surveyors and Peter Stecker/Cullen and Dykman, LLP, o/b/o Ducommun, David Hans, Warren Mueller, Richard and Jean Bassin, John Halsted, Amanda and Pieter Wolfe/Wolfe Builders, Joe Salvino/Paul's Pizza, Craig Darby/CBRE-Albany, Holly and Greg Martin, Ed Rose.

IV. Approval of Previous Minutes

A motion to approve the minutes of the August 7, 2014 regular meeting as amended was made by Richard Bruno; seconded by George Eignor. All were in favor; none opposed. So carried.

V. Correspondence/Handouts

- Letter from IDA, dated 8/18/14, in response to Mr. Pell's letter of 7/3/14.
- Letter from IDA, dated 8/20/14, in support of Ducommun Aerostructures.
- Minutes of the 8/18/14 meeting of the Zoning Board of Appeals meeting of 8/18/14, granting a six-foot setback variance from NYS Route 9W for Mike Veeder/Kool Temp's solar carport.
- Letter from the chef/owner of Downtown Bistro in support of Owls Hoot Barn wedding venue.
- Email dated 8/12/14, from Dolores Gori/Heart Land Realty and Coxsackie Guest House, in support of Owls Hoot Barn wedding venue.
- Letter from Janet Brooks, Executive Director, Coxsackie Regional Chamber of Commerce, dated 8/28/14, in support of Owls Hoot Barn wedding venue.
- Letter from Kate Konopka, owner of Red's Restaurant, dated 8/12/14, in support of Owls Hoot Barn wedding venue.

- Letter to Town Supervisor from Heart Land Realty, dated 8/5/14, in support of Owls Hoot Barn wedding venue.
- Letter from J. Theodore Hilscher, Esq., to Robert J. Fitzsimmons, dated 8/14/14, requesting sprinkler variance documentation.
- Cover letter, dated 8/29/14, from J. Theodore Hilscher, Esq. to Ed Diamonte/Greene County Planning Board for 239-m review of Intelligent Technology Solutions Solar Array.
- Letter from J. Theodore Hilscher, Esq. to Jerald Meigs, dated 9/2/14, requesting an extension of response date to 9/24/14.

The Chairman advised that any and all of the above correspondence is available for public viewing.

VI. Public Hearing

Ducommun Aerostructures New York, Inc.

Site: Brockway-Smith, 171 Stacey Road, Coxsackie

Tax Map #71.00-1-25 and 71.00-1-27

- Special Use Permit and Site Plan Amendment

Thomas Andress, P.E., of ABD Engineers & Surveyors, presented a modified site plan incorporating the Board's requests.

Verification of public notice in *The Daily Mail* and proof of certified mailings to all property owners within 500', letter of authorization from Brockway-Smith for site plan review, and 239-m approval from the County Planning Board were submitted for the file.

The Chairman asked for a brief description of the project for the benefit of the public. Ducommun representatives Brian Smith and Don Cross explained the intent to purchase the former Brockway Smith property and centralize the currently leased locations. The only proposed change to the site is to expand the parking lot to accommodate 250 cars. The gateway onto Industrial Parkway will be re-opened for truck traffic only, although there will be a significant reduction in truck traffic than the previous facility. They hope to close on the purchase by the end of September 2014, with a projected transition date of late 2015.

Stacey Road resident, Rosemary Muller, voiced concerns regarding noise levels. The representatives explained that the noisiest operations that require sound protection will be contained within the structure and located in the rear of the building, away from residents. The dies for the drop hammer will be stored inside, eliminating noise from open overhead doors and forklifts. Ducommun has no interest in purchasing the adjacent five-acre parcel.

There being no further questions or comments, a motion to close the public hearing was made by Richard Bruno at 7:20 p.m.; seconded by Hal Beaumont. All were in favor; none opposed. So carried.

VII. Public Comment

The Chairman requested that speakers introduce themselves and limit their comments to three minutes.

David Hans stated that he has lived on Bronck Mill Road for 10 years and now is being told when he can and can't have parties or mow his lawn. He said that the situation is "ridiculous", "this is America", and that the Planning Board is "pathetic" and "should be ashamed".

VIII. Old Business

1. Monolith Solar Associates o/b/o

Intelligent Technology Solutions

11786 State Route 9W, W. Coxsackie

Tax Map #55.12-2-20

- Site Plan Review for Installation of Ground Mounted Solar Panels

The Board acknowledged receipt of the affidavit of mailing of the public hearing notice to neighbors within 500', which Mr. Hilscher will further review. Mr. Hilscher will contact the applicant upon receipt and review of County 239-m approval.

2a. **Pieter and Amanda Wolfe/Wolfe Builders**

State Route 9W, W. Coxsackie

Tax Map #55.00.5-71; Commercial Zone

- Application for Site Plan Review

Applicants submitted the site plan rendering, dated 1/8/14, of the proposed construction of an 11,000 square foot retail building on State Route 9W. Less than one acre of land will be disturbed; impervious surface is less than 70%; all setbacks meet Town Code; storm-water management is not required; parcel has village water and sewer; an open porch layout will face Rt. 9W; external down-lighting is proposed.

Applicants were directed to have the zoning designation corrected on the site plan from Residential Agricultural-1 to Commercial. A sign permit will also required.

The Chairman stated that he would contact the Department of Transportation. Mr. Hilscher will prepare the 239-m County Referral packet.

A motion to schedule a public hearing for site plan review was made by Rich Bruno; seconded by Frank Gerrain. All were in favor; none opposed. So carried.

Applicants were instructed to notify all landowners within 500' of all boundary lines by certified return receipt to be submitted at the public hearing. The Board's secretary will transmit the Public Hearing Notice to the Town Clerk for posting and *The Daily Mail* for publication.

2b. **Pieter and Amanda Wolfe/Wolfe Builders**

16 Hope Plaza, State Route 9W, W. Coxsackie

- Sign Permit

Although not on the agenda, the Wolfe's submitted a sign permit application for a 3' x 10' externally-lit, painted wooden banner sign for their new office location in Hope Plaza. Since they are moving next week, Mr. Hilscher offered to review the application and contact them within a few days.

A motion to approve the sign permit pending attorney review was made by Hal Beaumont; seconded by Rich Bruno. All were in favor; none opposed. So carried.

3. **Ducommun Aerostructures New York, Inc.**

Site: Brockway-Smith, 171 Stacey Road, Coxsackie

Tax Map #71.00-1-25 and 71.00-1-27

- Special Use Permit and Site Plan Amendment

Mr. Hilscher related that the County 239-m review was approved.

In answer to the Board members' questions, representatives related:

- The back exit to Industrial Parkway will be authorized for use for truck traffic only.
- Facility runs three shifts; 24/7.
- The drop hammer is not currently used during the overnight shift.
- Noise level not to exceed 80 decibels at boundary line.
- Average daily traffic: 9-12 tractor-trailers, 5-7 UPS/Fed Ex deliveries; 5-7 additional tractor-trailers on occasion.
- Ducommun agreed to perform a noise study, by which decibels will be measured at boundaries, if the neighbors complain.

- Drop hammers hit pneumatically between one and four times depending on the die used; it does not drop consecutively as changes are required between hits.
- Largest die is estimated at 7,000 lbs.
- Truck traffic will not change from the current route from Plank Road.

Since Ducommun does not want to rule out using the drop hammer on the third shift, Bill Whitbeck suggested that the noise issue be regulated by Special Use Permit, if necessary.

Bill Whitbeck made a motion to approve the Site Plan and Special Use Permit applications with the following conditions:

- No tractor-trailers allowed through Village;
- Signage to Code;
- 250 parking spaces;
- Drop hammer use will take place in an enclosed building;
- Noise level not to exceed 80 decibels at boundary lines.

Rich Bruno seconded the motion. All were in favor; none opposed. So carried

The Board completed SEQRA short form Part 2. The Board made a negative declaration following the asking of the short form questions by Ted Hilscher and the Board answering “No” to each question. Motion made by Frank Gerrain; seconded by Hal Beaumont. All were in favor; none opposed. So carried.

Mr. Gerrain noted that the proposed signage exceeds Town Code. The Chairman advised that any outstanding fees are due and payable to the Town Clerk within 30 days. Fully executed copies of the Site Plan and applications were retained for the file.

4. **Commercial Special Event Regulations**

- . Board members reviewed regulations (which were drafted by special committee and reviewed at the July 23 a consensus. Alternatives in lieu of regulations are: not to accept any applications; ask the Town to declare a moratorium until regulations are developed; or let the wedding venues continue under commercial/public assembly/recreational use with no limits.

On the issue of required acreage: 3 acres; Hal Beaumont opposed acreage requirement; he suggested imposing distance from event site to neighboring residences. Remove letter "C".

Parking: one parking space required per four people or as determined by the Board. On-site parking is not a requirement; busing is an alternative to limit liability to patrons drinking and driving.

General event area: Town Code regulates decibel levels by zone. The minimum setback from property lines is currently 100'; 300' to 500' was suggested. Sound levels are an issue for neighbors; three venues would be in tents. The Chairman stated that spatial distance and noise/privacy standards are essential.

A motion to approve the draft regulations for Commercial Special Events, incorporating the changes below, for recommendation to the Town Board, was made by Frank Gerrain; seconded by Rich Bruno. All were in favor; none opposed. So carried.

- Three-acre parcel requirement removed;
- On-site parking is not a requirement; can be adjusted to off-site parking;
- Special event area: minimum 300' from property lines;

- Hours of operation: 12:00 p.m. to 10:00 p.m.; not to exceed six hours duration;
- Amplified sound is permitted in tents, not to exceed maximum decibel level, per Code, at property lines.

A motion to amend the regulations to include the definition of “Commercial Special Events” to clarify that it does not pertain to year-round restaurant, banquet, and wedding facilities, was made by Bill Whitbeck; seconded by George Eignor. All were in favor; none opposed. So carried.

Richard and Jane Bassin requested that they be allowed to add material to their previously submitted application for a commercial special use permit to host weddings. They presented an aerial photo of their 31-acre parcel and surrounding neighbors, noting that the closest neighbor is 800' from their property line. They have hosted four weddings in the past and can accommodate parking for 50-60 vehicles; however, they intend to use Coxsackie Transport going forward to limit liability.

IX. New Business

1. **Scenic Hudson Land Trust, Inc.**

Rt. 385, Coxsackie

Tax Map #88.00-3-31

Robert F. LuPone & Virginia R. Robinson

296 Four Mile Point Road, Coxsackie

Tax Map #88.00-3-13

- Lot Line Adjustment

The Board reviewed a preliminary survey of the proposed land swap. The adjoining landowners will each convey 0.270 acres to the other by altering the lot lines.

A motion to approve the lot line adjustment contingent upon receipt of the final survey map and Mylar was made by Bill Whitbeck; seconded by George Eignor. All were in favor; none opposed. So carried.

2. **Kelly's Pharmacy**

Coxsackie Commons, State Route 9W, W. Coxsackie

- Signage

No appearance. Only a sketch of the new sign proposal was available for review; a completed application is required.

3. **Joe Salvino/Paul's Pizza**

11424 Route 9W, W. Coxsackie

- Sign Permit Application

Mr. Salvino appeared regarding his new signage. The Board advised him that Town Code prohibits signs that change every six seconds; a once daily change would be acceptable.

Mr. Salvino asserts that the sign doesn't have moving parts and he was told "no flashing" lights at the time of approval. The secretary read back the March 6, 2014 minutes:

"Mr. Salvino submitted an application and sketch to replace the existing 4'x 8' two-sided freestanding sign with a 4'x 8' LED (non-blinking) sign. "

Mr. Hilscher noted the animation. Bill Whitbeck explained “moving surface” versus “moving parts”. Mr. Salvino replied that he paid \$30,000 for the sign and will not remove or change it, stating, “it’s absurd” and “if you’d come to me as men ...”

It was the Chairman’s opinion that the sign is animated and there is nothing else like it in Town. He also noted that applicant has many signs, including both sides of the building, which also houses other tenants. Board members recalled that when the “internally lit” sign regulation was challenged, the Town Board changed it.

Mr. Salvino verified that the sign could be reconfigured and he programs it himself; the sign does not have to scroll.

Frank Gerrain agreed that the sign has moving parts and is animated.

A motion to declare that the new sign is not in compliance with Town Code was made by Frank Gerrain and seconded by Rich Bruno. Clark Pell and Bill Whitbeck were in favor; Hal Beaumont and George Eignor opposed. Ayes: 4; Nays: 2. So carried.

4. Edwin Rose

Webber Road, Coxsackie

Tax Map #68.00-2-36

- Commercial Greenhouse

Mr. Rose requested a preliminary consultation of his proposal to erect a 60’x 100’ greenhouse for wholesale produce on a 4.7-acre parcel in RA-1 zoning. He questioned if an engineer-designed septic and well would be required, and explained the proposed closed-loop system.

Board members reviewed his survey map and determined that retail is not a permitted use and requires a special use permit. A perc test will determine the septic requirements.

Mr. Rose was asked to submit applications for site plan review and special use permit, and to bring a scaled drawing to the next meeting indicating setbacks and road frontage of the pie-shaped lot, and type of structure proposed.

X. Executive Session

A motion to go into executive session to discuss litigation was made by Frank Gerrain at 9:50 p.m.; seconded by George Eignor. All were in favor; none opposed. So carried.

A motion to close the executive session was made by Bill Whitbeck 10:15 p.m.; seconded by George Eignor. All were in favor; none opposed. So carried.

(IX.3.) **Joe Salvino/Paul's Pizza, continued ...**

11424 Route 9W, W. Coxsackie

▪ Sign Permit Application

When the regular meeting resumed, Mr. Salvino asked for time to reiterate his concerns over the new sign in front of Paul's Pizza. He stated that the sign is not moving or is animated, which is "to bring to life". Further, it does not blink or flash. Mr. Salvino asked for the code that applies to signs, which was provided. In Upon question of whether he had a copy of the permit or sketch he responded no. He further asked what his choices were, and the response was apply for a variance. It was further stated that consideration of the sign was undertaken at the request of the CEO, who wanted an opinion on its legality.

XI. Adjournment

A motion to adjourn the meeting at 10:50 p.m. was made by Bill Whitbeck; seconded by George Eignor. All were in favor; none opposed. So carried.

Respectfully submitted,

Marlin A. Henry
Planning Board Secretary

MAH/jth/ccp