

Town of Coxsackie Planning Board
Meeting Minutes
February 5, 2015

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: Clark Pell, Hal Beaumont, Richard Bruno, George Eignor and Bill Whitbeck were present; Frank Gerrain was absent. A quorum was duly noted.

Guest in attendance were: David Hans, C. Pfister, Jeff Ostertag/Ostertag Land Surveying, Hank Stohr, Susanne Frenk, Kim Rose.

IV. Approval of Previous Minutes

After reviewing the minutes of January 8, 2015, two minor changes were made by the Secretary. A motion to approve the revised meeting minutes was made by Richard Bruno; seconded by Hal Beaumont. All were in favor; none opposed. So carried.

V. Correspondence/Handouts

- New York Planning Federation newsletter.
- Minutes of the January 19, 2015 meeting of the Coxsackie Zoning Board of Appeals: approval of a 15' rear setback variance application submitted by Andrea Stopczynski at 62 Sugar Loaf Road.

- Letter from the Association of Property Owners of Sleepy Hollow Lake, Inc., dated February 3, 2015 regarding the proposed Ritter/CSX Subdivision, tax map #88.00-1-19.

The Chairman announced the addition of Kim Rose to the agenda.

He also noted receipt of a large (draft) map of significant habitats in the Town and Village of Coxsackie that will be kept in the Planning Board files for future reference.

VI. Public Comment

There was no response to the Chairman's request for public comment

VII. Update on Matters before the Board

CSX Corporation, Inc.

Lands of Stephen Ritter, Flats Road, Coxsackie, NY

Tax Map #88.00-1-19, 124.6 Acres

- Division of Lands

The Chairman reported having met with a representative from the Association of Property Owners of Sleepy Hollow Lake, Inc., who had no knowledge of the proposal in Sleepy Hollow's watershed. He also contacted CSX Headquarters in Florida regarding the major oversight.

The Department of Environment Conservation has declared lead agency status; however, the Planning Board has jurisdiction over congestion/noise on Flint Mine and Flats Roads, proposed fill for the "excess waste placement area", and the rebuilding of a bridge over Murderer's Creek. A public hearing is required.

CSX will send a representative to appear before the Planning Board to discuss the major project in detail.

VIII. New Business

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

171 Stacey Road, Coxsackie

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

- Change to Approved Site Plan

The Chairman advised that he and Frank Gerrain had met with Ducommun to review two proposed changes to the approved site plan. A 50'W x 120'L addition to the rear of the building will create a separate room to house the drop hammer because the existing concrete pad cannot support the weight of the drop hammer, forklift and dies; the separation would also isolate the vibration from the precision machinery on-site. The Board noted that the change would also help to insulate the neighbors from noise.

A four-five bay loading dock will adjoin the addition to house the waste containers for transport; DEC regulations requires a roof over the dock to deter any seepage. Impervious surface will remain the same; setbacks are within Code.

The Chairman advised the Board members that he and Frank Gerrain had determined that the two changes were not significant.

A motion to approve the two minor changes to the site plan and append the two drawings dated January 9, 2015, to the approved site plan, was made by Richard Bruno; seconded by George Eignor. All were in favor; none opposed. So carried.

2. **Hank Stohr**

2864 Route 385, Coxsackie, NY

- Special Use Permit

Mr. Stohr purchased the former Fitch mansion on Route 385 to renovate into a commercial Bed and Breakfast. The property is located across from St. Mary's Cemetery; a private investor owns the landlocked riverfront property. He intends to use the five-acre lake to accommodate guests and incorporate hiking trails throughout the 80-acre parcel. He hopes to host business meetings, weddings and family reunions.

He submitted pictures and a survey map of the Estate of Joseph Musial. He also reported that he has submitted a business plan to the IDA, but did not bring a copy with him. He claims support from neighbors and suggests that the Planning Board work together with meaningful businesses to mitigate legitimate issues. He requested direction from the Planning Board on how to proceed.

The Chairman invited Kim Rose and Susanne Frenk to join in the discussion regarding Commercial Special Events, as they, too, have commercial venue applications pending. They expressed frustration that the Owls Hoot Barn has been allowed to operate pending regulations, while others were served with Cease and Desist Orders, thus negating any potential income for 2014 and possibly 2015. They repeatedly requested a timeline for resolution.

The Chairman explained that the Planning Board supports and endorses special events and weddings as a substantial economic benefit to the community. Special Use Permits with appropriate conditions are essential to preserve the rights of the landowners in the residential districts. He advised that regulations drafted by the Planning Board in September 2014 are currently in the hands of the Town Board, and he encouraged them to attend the next Town Board meeting.

The Chairman stated that he has not yet received the draft of the Commercial Special Events law drafted by Ted Hilscher, Esq. Board Members expressed interest in reviewing the “tweaked” regulations before adoption by the Town Board. They also debated the expediency of adding the category to the closest matching existing regulations, rather than developing new regulations.

Suzanne Frenk submitted a letter to the Planning Board outlining benefits to the community and requesting action on her application. She also presented an independent safety inspection report conducted for insurance purposes, and a letter of support from the IDA. She has also complied with the Code Enforcement Officer’s recommendations; she further noted that her property lies within the mixed-use district, which allows commercial ventures by Special Permit.

Pursuant to Ms. Frenk’s request, the Planning Board explained that they are unable to issue a permit while the Cease and Desist Order exists. She related that her attorney’s letters have been ignored, and she has been denied a hearing to appeal violations that do not exist.

The Chairman recommended that the Planning Board take no action at this time . He indicated that the number of events held will be tied to distance from neighbors/decibel levels, and that a fee for each event was proposed to be \$300.00.

David Hans stated that the Code Enforcement selectively enforce Town Code.

Mr. Stohr was advised that Bed and Breakfasts are a permitted use and to apply for a Special Use Permit. Short-form SEQR and a public hearing are required.

3. Jeff Ostertag/Ostertag Land Surveying, P.C.

o/b/o Joseph O. Skliba

337 Murderskill Road, Athens, NY

Tax Map #88.00-2-20

■ Proposed Subdivision

Mr. Ostertag presented a preliminary plot plan of the proposed subdivision of 50.1 acres into four separate parcels. The owner will retain 24.8 acres with the house and barn; he intends to list Lot #1: 6.639 acres, #Lot 2: 10.323 acres, and #Lot 3: 8.365 acres of vacant land for sale. All parcels have adequate road frontage on Murderskill Road.

Mr. Ostertag was directed to submit an application for a minor subdivision and short-form SEQR. A public hearing is also required.

A motion to schedule a public hearing for the minor subdivision on March 5, 2015, was made by Bill Whitbeck; seconded by George Eignor. All were in favor; none opposed. So carried.

The Planning Board Secretary will submit the Public Notice to *The Daily Mail* for publication. Mr. Ostertag will notify all landowners within 500' of the boundary lines.

4. **Resolution regarding Owls Hoot Barn**
5. **Resolution regarding wedding classification**

Chairman Pell stated for the record that the Planning Board never reviewed or approved many of the projects undertaken at Owls Hoot Barn.

Board members discussed:

- Building permits expire in one year;
- Special Use Permit can be revoked at any time;
- Site Plan Review;
- Inviting her, by letter, to appear;
- No ruling on Article 78;
- Corrigan violations;
- Code Enforcement issue;
- Special Operating Permit;
- Revoke site plan approval (not primary dwelling as stated);
- Determined not to be “agri-tourism”;
- Never acquired additional acreage from IDA.

The Chairman suggested filing a complaint with the NYS Department of State for failure to comply with Code.

Bill Whitbeck noted that Federal Tax ID numbers and quarterly status reports should be required as a condition of the Special Use Permit. Although the Chairman would like every permit to come before the Board, in the past, it has proven to be too time-consuming.

The Chairman related that the CEO claims that Owls Hoot Barn has all the permits required to operate.

The Chairman withdrew both Resolutions.

He notified the Board Members that he would draft a Resolution to file a formal complaint with the Department of State for the next meeting.

IX. Adjournment

A motion to adjourn the meeting at 9:15 p.m. was made by Bill Whitbeck; seconded by Rich Bruno. All were in favor. None opposed. So carried.

Respectfully submitted,

Marlin A. Henry
Planning Board Secretary