

Town of Coxsackie Planning Board  
Meeting Minutes  
March 12, 2015

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I. Call to Order

Chairman Clark Pell called the regular meeting of the Planning Board to order at 7:05 p.m. at the Coxsackie Town Hall. He explained that the March 5<sup>th</sup> meeting was rescheduled due to lack of a quorum.

II. Pledge of Allegiance

III. Roll Call

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

Guests in attendance were: Mary Blinn (*sic*), John Privitera/McNamee, Lochner, Titus & Williams, P.C., Warren Mueller, Hank Stohr, Carol Metz (*sic*), Laurel Mann (*sic*), Amy Gorzy (*sic*), Jeff Ostertag/Ostertag Land Surveying.

The Chairman introduced the new Board Member, Betty Cure, who was appointed at the March Town Board meeting to replace Gordon Pebler. Her term will expire on December 31, 2020.

IV. Approval of Previous Minutes

The Chairman requested several minor changes to the meeting minutes of February 5, 2015, which were made by the Secretary.

A motion to approve the revised minutes of February 5, 2015, was made by Bill Whitbeck; seconded by Frank Gerrain. All were in favor; none opposed. So carried.

V. Public Hearing

Jeff Ostertag/Ostertag Land Surveying, P.C., o/b/o

**Joseph O. Skliba**

337 Murderskill Road, Athens, NY

Tax Map #88.00-2-20

- Minor Subdivision

A motion to open the public hearing was made by Frank Gerrain; seconded by George Eignor. All were in favor; none opposed. So carried.

John Privatera of McNamee, Lochner, Titus & Williams, PC, appeared on behalf of the Association of Property Owners of Sleepy Hollow Lake, Inc. He submitted correspondence from/to Mr. Skliba's counsel, and advised that the APO intends to dispute Mr. Skliba's rights to Sleepy Hollow Lake's water and sewer system.

The Board advised that the subdivision application does not address water and sewer issues; however, the parcels are large enough to develop private systems. Single-family residences are permitted by right in Rural Residential Zoning and not subject to Planning Board review.

Members of the public asked to view the survey maps. A neighbor advised that DEC discovered wetlands and artifacts eight years ago.

There being no further comments, a motion to close the public hearing was made by George Eignor; seconded by Hal Beaumont. All were in favor; none opposed. So carried.

VI. Correspondence/Handouts

- Letter from Ted Hilscher, Esq., to Town Clerk with Decision and Order dismissing the Article 78 petition re: Meigs v. Town of Coxsackie (re: Owls Hoot Barn).

The Chairman noted that the petition was dismissed because all administrative remedies were not exhausted (petitioners failed to file an application with the Zoning Board of Appeals).

VII. Public Comment

Warren Mueller stated that the Town Board, as well as the Planning Board, gave no consideration to the long-time residents who neighbor Owls Hoot Barn. He expressed his disappointment with lost property values and quality of life as a result of loud wedding parties, bands and DJ's every weekend, all summer long. All issues still exist, despite numerous outstanding Code violations.

A neighbor expressed concerns regarding an 18-wheel propane tanker that is sometimes stored off-road and chained-off, on Mr. Skliba's parcel. She stated that her complaints to the Town and Code Enforcement Officer were to no avail. The Chair advised that the Planning Board has no jurisdiction, and that the CEO reports to the Town Board.

Hank Stohr stated that after driving through the residential area near Owls Hoot Barn, he empathizes with the neighbors in close proximity. His proposal for a commercial event venue has the luxury of being isolated.

VIII. New Business

1. Jeff Ostertag/Ostertag Land Surveying, P.C., o/b/o

**Joseph O. Skliba**

337 Murderskill Road, Athens, NY

Tax Map #88.00-2-20

- Minor Subdivision Application

Mr. Ostertag submitted a letter of representation, the subdivision application and fee, and a slightly different survey map of the minor subdivision. He noted that no wetlands exist on the proposed parcels.

Applicant will retain 24.8 acres of the 50.1-acre parcel after subdivision: Lot 1: 6.639-acres; Lot 2: 10.323-acres; Lot 3: 8.365-acres; the barn parcel will be retained by Mr. Skliba, as well as the entire parcel located on the opposite side of Murderskill Road.

Mr. Ostertag related that Mr. Skliba would not contest water rights to Sleepy Hollow Lake. Potential purchasers will be informed that private wells and septic systems are their own responsibility.

Zoning was determined to be High Density R-2, which allows for further subdivision. Town Code allows one-quarter acre lots with water and sewer, and two-acre parcels without.

The Secretary submitted the Notice of Public Hearing for the file; mailings to neighbors within 500' of boundary lines were not required. It was noted that DEC has flagged the area east of State Route 9W as archeological-sensitive and home to endangered species.

The Board completed the short Environmental Assessment Form Part II and III. No significant adverse environmental impact was noted. A motion was made by Hal Beaumont, seconded by Frank Gerrain, to issue a negative declaration under SEQRA for the proposed action. All in favor, none opposed, so carried.

A motion to approve the minor subdivision application was made by Hal Beaumont; seconded by George Eignor. All were in favor; none opposed. So carried.

The Chairman executed the Mylar and survey maps; one signed copy was retained for the file.

2. **Hank Stohr**

2864 Route 385, Coxsackie, NY

- Application for Site Plan Review and Special Use Permit

Mr. Stohr submitted an application and fee and explained his vision of restoring the former Fitch Mansion for use as a Bed and Breakfast. The mansion sits on an 80-acre parcel with five outbuildings and a five-acre pond. He plans to add nature trails and an English garden and hopes to be operational next year.

Board Members reviewed the old survey map prepared for the previous owner, Joseph Musial, by Santo Associates. The Board requested that Mr. Stohr submit a detailed site plan to scale. They advised that Mr. Santo is very knowledgeable as to what needs to be included for site plan approval and special use permits.

A motion to accept an incomplete application for site plan review and special use permit, and to table the matter until the adoption of Commercial Special Events Regulations by the Town Board, was made by George Eignor; seconded by Frank Gerrain. All were in favor; none opposed. So carried.

3. Roberta Raffiani

**GRAB A MUG CAFE**

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

- Sign Permit Application

The Board reviewed an application and picture of the proposed new roof-mounted sign, which will use the existing brackets. It was determined that the sign does not move or flash; application fee has been paid to the Town Clerk.

A motion to approve the sign permit was made by Hal Beaumont; seconded by Betty Cure. All were in favor; none opposed. So carried.

The Planning Board Secretary will provide a copy of the approved application to Code Enforcement.

4. **Commercial Special Use – Proposed Law**

Clark Pell, George Eignor, Hal Beaumont and Betty Cure attended the Public Hearing of March 10<sup>th</sup> held by the Town Board on the draft law prepared by Ted Hilscher, Esq., and previously reviewed by the Planning Board. There was significant comment that wedding venues would be good for the Town economically and that the regulations were too complicated.

The Hilscher draft was substantially revised at a special workshop meeting of the Town Board on March 11, 2015. Clark Pell, Frank Gerrain and Hal Beaumont attended the meeting. New regulations were developed based on recommendations of the public and Planning Board. The Chairman noted the following:

- The law will apply to all venues with no exemptions;
- Allowed by Special Use Permit only;
- Regulations will be in effect by April 14, permits issued by June 1<sup>st</sup>;
- No venues, whether existing or currently tabled, will be denied permits if they are in compliance with Town Code;
- No more than one event per week will be allowed;
- Three-acre parcel requirement;
- 300' to nearest residential structure;
- 300 maximum guests;
- Event schedule to be submitted to Planning Board listing a contact person for each event, hours of operation, etc.

The Chairman stated that he will insist that Code Enforcement be available at all times this summer to protect the rights of the neighbors, which must be given priority when regulating commercial venues in residential zones.

Further discussion among Board Members included:

- Owls Hoot Barn requires a Special Use Permit. The Chair wants a licensed engineer to inspect the septic system, which was never approved.
- Minimum safety standards and the sanitary needs of guests are the responsibility of the applicant.
- Proof of insurance will be required.

Another public hearing to review the revised law is scheduled for April 7, 2015; a Long Environmental Assessment Form is required due to the potential significant adverse environmental impact. The Town Board plans to pass the new regulations at the April 14<sup>th</sup> meeting. The Chairman will forward the revision to all members for review upon receipt thereof.

The Chairman suggested meeting with each applicant to discuss the details of what is required according to Code. Several special meetings to issue permits to applicants by June 1<sup>st</sup> may be required and will be discussed at the April meeting.

IX. Adjournment

A motion to adjourn the meeting at 9:20 p.m. was made by Frank Gerrain; seconded by Hal Beaumont. All were in favor. None opposed. So carried.

Respectfully submitted,

Marlin A. Henry  
Planning Board Secretary

MAH/cpp