

Town of Cocksackie Planning Board  
Meeting Minutes  
May 7, 2015

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I. Call to Order

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

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: Don Schel/Maser Consulting, P.A., Joseph Wolodkevich/Intelligent Technology Solutions, David Hans, Kim Rose/Rose Hill, Susanne Frenk.

IV. Approval of Previous Minutes

A motion to approve the minutes of April 2, 2015, was made by Frank Gerrain; seconded by George Eignor. All were in favor; none opposed. So carried.

A motion to approve the minutes of the April 28, 2015 Special Meeting of the Planning Board was made by Frank Gerrain; seconded by Betty Cure. All were in favor; none opposed. So carried.

V. Correspondence/Handouts

- Letter from the Town Board approving Tal Rappleyea, Esq., as counsel to the Planning Board as discussed at the April 28<sup>th</sup> Special Meeting.

- Training opportunity in Cairo; the Chairman encouraged attendance.
- Notification received from Ed Pebler, Code Enforcement Officer, stating that the Frenks' Cease and Desist Order has been lifted.

VI. Public Comment

David Hans stated that his neighbor is putting up a fence and inquired as to regulations, which were researched by the Board Members. He was advised that there is nothing in Town Code regarding setbacks for fences. The Board also advised that a disputed boundary line is not a Planning Board matter.

VII. Old Business

1. Don Schel/Maser Consulting, P.A.

o/b/o **CSX Corporation, Inc.**

Flats Road, Coxsackie, NY

Tax Map #88.00-1-19, 124.6 Acres, Lands of Stephen Ritter

- Subdivision of Lands/Lot Line Adjustment

The Chairman advised the Board Members that he, Frank Gerrain and Betty Cure had met with Bill Braman, manager of Property Acquisitions for CSX, who withdrew their application for a subdivision to create an "excess material placement area" near Flats Road.

Mr. Schel submitted the application fee, survey maps and supporting documentation pertaining to the acquisition of a .59-acre parcel by lot line adjustment from the adjoining lands of Ritter to create a 20' x 1,270' Right of Way on the west side of the tracks south of Flats Road. This is part of the project to construct a second mainline track from the Town of Catskill to the Town of Coxsackie. The New York State Department of Environmental Conservation has declared lead agency status for the overall SEQRA review of this project.

Board Members reviewed the Statement of Findings that was prepared by the Chairman and approved by Tal Rapplelea, Esq.

A motion to approve the Statement of Findings was made by George Eignor; seconded by Frank Gerrain. All were in favor; none opposed. So carried.

A motion to approve the lot line adjustment was made by George Eignor; seconded by Frank Gerrain. All were in favor; none opposed. So carried.

The Chairman executed the survey maps and Mylar for filing with Greene County.

## 2. **Review Special Permit Applications**

A motion to schedule a special meeting of the Planning Board on May 21, 2015 at 7:00 p.m. was made by Hal Beaumont; seconded by George Eignor. All were in favor; none opposed. So carried.

**BASSIN:** Following review of the file, a motion to determine the matter as an unlisted action under SEQRA and declare lead agency status was made by Hal Beaumont; seconded by George Eignor. All were in favor; none opposed. So carried.

It was noted that Greene County Septic recommends one portalet for every 75 people; the Department of Health only regulates sanitary facilities for campgrounds.

A motion to deem the application complete and to schedule a public hearing on May 21, 2015 at 7:00 p.m. was made by Hal Beaumont; seconded by George Eignor. All were in favor; none opposed. So carried.

**FRENK:** The Board received verification that the Cease and Desist Order has been lifted. Applicant was advised that the Department of Health regulations apply for more than ten overnight guests; in addition, food must be prepared by licensed catering services.

Pursuant to review of the file, a motion to determine the matter as an unlisted action under SEQRA and declare lead agency status was made by Hal Beaumont; seconded by George Eignor. All were in favor; none opposed. So carried.

A motion to deem the application complete and to schedule a public hearing on May 21, 2015 at 7:00 p.m. was made by Betty Cure; seconded by Bill Whitbeck. All were in favor; none opposed. So carried.

Applicant was directed to notify all neighbors within 500' of the special use area and all adjoining property owners by Certified Return Receipt mailing, and to file an application for a variance with the Zoning Board of Appeals seeking relief from Section 201-97(C): Commercial Event Venue of the Town of Coxsackie Zoning Law.

Applicant was advised that issuance of the Special Use Permit is contingent upon ZBA approval of an area variance. No events are scheduled at this time.

**ROSE:** Survey and tax maps were submitted and reviewed. A motion to determine the matter as an unlisted action under SEQRA and declare lead agency status was made by Frank Gerrain; seconded by Betty Cure. All were in favor; none opposed. So carried.

A motion to deem the application complete and to schedule a public hearing for May 21, 2015 at 7:00 p.m. was made by Bill Whitbeck; seconded by Frank Gerrain. All were in favor; none opposed. So carried.

Applicant was directed to notify all neighbors within 500' of the special use area and all adjoining property owners by Certified Return Receipt mailing, and to file an application for a variance with the Zoning Board of Appeals seeking relief from Section 201-97(C): Commercial Event Venue of the Town of Coxsackie Zoning Law.

Applicants were advised that issuance of the Special Use Permit is contingent upon ZBA approval of an area variance. No events are scheduled at this time.

VIII. New Business

**Joseph Wolodkevich/Intelligent Technology Solutions**

11786 Route 9W, W. Coxsackie

Tax Map #55.12-12-2-19

- Building Permit

Mr. Wolodkevich submitted an application for Building and Zoning Permit (dated 4/16/15) to install a Y-shaped French and Collection Drain on an empty lot. He also provided a copy of the Town of Coxsackie Building and Construction Application Guide, several aerial photos, and tax map to support the application.

Applicant was served with a Stop Work Order and Criminal Summons, and ticketed for Violation of Town Building Code. Thereafter, his application for a Building Permit was initially denied by the Town Clerk/Code Enforcement Officer citing deed restrictions, electrical conduit in the ground, and perceived as a commercial venture.

Mr. Wolodkevich asserts that a permit is not required to dig a trench. He attests that he is not building or removing anything; nor is it a commercial venture. He is willing to remove the electric conduit, which was incorporated as a time- and cost-saving measure for future upgrades. His attorney anticipates resolving the deed restrictions within a few weeks.

Mr. Wolodkevich has confirmed with his neighbors, the Department of Transportation and the Department of Environmental Conservation, that they have no issues with the installation of the drain.

Applicant requested a letter from the Planning Board confirming that site plan review is not required, nor a building or excavation permit.

A motion was made by Bill Whitbeck to authorize the Chairman to provide a letter to Mr. Wolodkevich confirming that Planning Board action and/or Site Plan Review is not required at this time (copy to: Town Board and Code Enforcement); seconded by Frank Gerrain. All were in favor; none opposed. So carried

Mr. Woldokevich plans to file an application with the Planning Board for a change of use to widen the driveway next month.

IX. Adjournment

A motion to adjourn the meeting at 9:05 p.m. was made by George Eignor; seconded by Hal Beaumont. All were in favor. None opposed. So carried.

Respectfully submitted,

Marlin A. Henry  
Planning Board Secretary

MAH/cpp