

Town of Coxsackie Planning Board
Minutes of Special Meeting
May 21, 2015

I. Call to Order

Chairman Clark Pell called the Special Meeting of the Planning Board to order at 7:05 p.m. at the Coxsackie Town Hall.

II. Pledge of Allegiance

III. Roll Call

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

Guests in attendance were: Steve Beecher, Jerald Meigs, Richard and Jean Bassin, Joseph and Maria Failla, Kurt Beecher, Jennifer Carter, Warren Mueller, Hugh Quigley, David Hans, Jeff and Kim Rose, Susanne and Jean Louis Frenk, Carol Metz, Linda and John Graves, Sandra and William Grosso.

IV. Public Hearings

As part of Planning Board review, the following three public hearings were scheduled as required by Chapter 201, Article XI of the Zoning Law. The Chairman noted that the Planning Board has the authority to waive or impose restrictions as conditions of the Special Use Permit. Public comment was limited to five minutes; three minutes for a second comment.

1. **Richard and Jean Bassin**

88 Four Mile Point Road, Coxsackie

Tax Map #88.00-3-6, 88.00-3-7; Waterfront Residential Zone

A motion to open the public hearing on the application of Richard and Jean Bassin for a Special Use Permit for a Commercial Event Venue was made by Frank Gerrain; second by George Eignor. All were in favor; none opposed. So carried.

Certified return receipt mailings to adjoining landowners and all landowners within 500' of the event site were submitted for the file; the Public Notice was published in the May 16th edition of *The Daily Mail*.

The Chairman explained that events will be catered; tents, portable toilets and commercial transportation to/from the event will be contracted; only the wedding party and caterers will be allowed to park on-site. Dr. Bassin stated that he doesn't plan to host events every weekend.

Dr. Bassin stated that after meeting with his neighbor, Hugh Quigley, it was agreed that no more than six events per year will be held (would be accommodated). Decibel levels will be monitored to regulate noise. All events will be tented.

The Chairman read into the record a letter received from Mark A. Sank, counsel to Abraham Mizrachi, who opposes the application. The Mizrachi family has used their adjoining parcel as a retreat for several generations which they feel will be threatened and devalued as a result of noise, traffic, and trespass concerns. He also questioned if an emergency plan is in place to evacuate such a large gathering.

Sandra Grosso stated that she has the same concerns and suggested a one-year trial basis. She is also concerned about parking on Four Mile Point Road.

The Chairman explained that a Special Use Permit can be revoked at any time and is based on compliance with the conditions of the permit. A list of events is required each April indicating the date and time of events and wedding ceremonies, as well as contact information for a responsible party on the premises, which will be available to the public. Any changes to the event itinerary must be provided the Planning Board (and the neighbors) at least 30 days prior to the proposed event. Proof of insurance is not a requirement of the new law.

Hugh Quigley expressed his appreciation to the current Board Members, having sat on the Board himself for 20 years. He stated that he was shocked by the unexpected explosions and fireworks display from a barge on the river as part of the wedding held at the Bassins in April. He believes that accountability is important and supports restrictions on the permits. He further confirmed that he and the Bassins had agreed to no more than 6 events annually.

Kurt Beecher strongly agreed that events should be limited and notice given to neighbors.

Jerry Meigs questioned if a future Planning Board could revoke conditions; he was advised that Permits would be reviewed at least annually, and/or at any other time by judgment and authority of the Board. A resident may also formally petition the Board to revoke a Permit.

Steve Beecher expressed his disappointment that he had no knowledge of the Bassins' April event until he heard an explosion late in the evening. He is the third generation on the family parcel and enjoys the country solitude. He stated that reasonable restrictions are required, but feels that the burden of proof regarding decibel levels is on the neighbors.

The Chairman advised that Code Enforcement is generally responsible for enforcing Town Code. The Town employs two part-time CEO's, at least one of whom should be available to address concerns on the weekends.

Warren Mueller asked if fireworks were prohibited in the new law. He was informed that New York State issues the permit. Dr. Bassin stated that he did not actually see the permit as the caterer arranged it.

Jerry Meigs expressed concerns that proof of insurance is not required and questioned his liability should someone become injured on his property. He suggested adding proof of insurance to the Special Use Permit to be kept on file with the Town.

There being no further public comments, a motion to close the Bassin's public hearing was made by Bill Whitbeck; second by George Eignor. All in favor; none opposed.

2. Susanne and Jean Louis Frenk

256 Smith Road, W. Coxsackie

Tax Map #55.00-5-38; Mixed Use Zone

A motion to open the public hearing on the application of Susanne and Jean Louis Frenk for a Special Use Permit for a Commercial Event Venue was made by Bill Whitbeck; second by Frank Gerrain. All were in favor; none opposed. So carried.

Certified return receipt mailings to landowners within 500' of the event site and all adjoining landowners were submitted for the file; the Public Notice was published in the May 16th edition of *The Daily Mail*.

The Chairman explained that events will be under tents and catered; portable toilets and commercial transportation to/from the event will be provided; only the wedding party and caterers will be allowed to park on-site.

The Frenks contend that the recent change of zoning to accommodate Ferguson, against their wishes, directly affected their quiet, peaceful, residential property, but also opened the door for change.

A variance for relief from the 300' setback requirement from the property line of one residential neighbor, Linda and John Graves, is required; they are on the agenda for the Zoning Board of Appeals meeting scheduled for June 2, 2015 at 7:00 p.m.

John Graves noted the creeping industrialization in the area and complained of the noise, fireworks, and vehicles parked on his lawn when events were held without permits. He stated that he has lived on Smith Road for a long time and Town Code is not being enforced. He also related that Smith Road is a one-lane gravel road that should be paved according to Town Code for emergency vehicle access and heavy traffic.

Jerry Meigs moved there ten years ago, in part for the peaceful isolation. He contends that if the Frenks and Owls Hoot Barn each have 10-12 events per year, he will have 600 people in his yard every weekend. He believes that the proximity of two venues should limit events. He also complained of vehicles driving over his flowerbeds, the inadequate road condition for heavy traffic, and concern that his grandchildren could be hit by a car on the narrow, winding road.

Mr. Meigs also stated that the Frenks hosted a wedding recently in violation of a Cease and Desist Order. He requested that the Planning Board deny a Special Use Permit because applicants have shown indifference to the law and the Code Enforcement Officers don't enforce it.

The Chairman then read a letter into the record from Jim Hair opposing the Frenks' application noting the narrow, curving, and unpaved, one-lane road.

The Frenks noted that they have some ideas to limit noise, install a PA system to measure decibel levels, and work with everybody to avoid further mistakes. They will discourage more than 100 people in attendance for small-scale events.

There being no further public comments, a motion to close the Frenks' public hearing was made by Bill Whitbeck; second by Betty Cure. All were in favor; none opposed. So carried.

3. Jeff and Kim Rose

2924 Route 385, Coxsackie

Tax Map #:71.00-2-61; Waterfront Residential Zone

A motion to open the public hearing on the application of Jeffrey and Kim Rose for a Special Use Permit for a Commercial Event Venue was made by Bill Whitbeck; second by George Eignor. All were in favor; none opposed. So carried.

Certified return receipt mailings of the hearing to all property owners within 500' of the event site and all adjoining landowners were submitted for the file; the Public Notice was published in the May 16th edition of *The Daily Mail*.

The Chairman stated that tented events will be catered; portable toilets and commercial transportation to/from the event will be provided; only the wedding party and caterers will be allowed to park on-site.

A variance for relief from the 300' setback from the event area to an adjoining property line is required. Their application will be reviewed by the Zoning Board of Appeals on June 2, 2015 at 7:15 p.m.

St. Mary's Church submitted a letter in support, which was read into the record.

David Hans warned that there is no recourse when stipulations are not followed. He has called the Greene County Sheriff's Office, NYS Police and the Code Enforcement Officers, none of whom responded to his complaints.

Jeff Rose acknowledged the challenges of blending commercial businesses into residential areas and understands the neighbors concerns. He supports developing policies with restrictions but requests latitude to grow his business.

Hugh Quigley strongly disagreed with Mr. Rose, stating that every application is different and restrictions and limits are necessary. Mr. Quigley also recommended that applicants should be willing to step up and mitigate concerns as the Bassins had. In response to Mr. Rose's rebuttal, he indicated that he thought Mr. Rose was lobbying.

Jerry Meigs stated that Mr. Rose is lobbying for businesses but the purpose of Town Code is to protect the residents.

Carol Metz stated that safety codes should be enforced.

There being no further public comments, a motion to close the Roses' public hearing was made by Frank Gerrain; second by George Eignor. All were in favor; none opposed. So carried.

V. Adjournment

A motion to adjourn the meeting at 8:16 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/cpp/fg