

Town of Coxsackie Planning Board  
Meeting Minutes  
June 4, 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 Coxsackie Town Hall.

II. Pledge of Allegiance

III. Roll Call

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

Guests in attendance were: Rick MacLeod/Recon, Charles H. Schaefer, Richard and Jean Bassin, Joseph Wolodkevich/Intelligent Technology Solutions, Carl Draiss.

IV. Approval of Previous Minutes

A motion to approve the minutes of May 7, 2015, was made by Frank Gerrain; second by George Eignor. All were in favor; none opposed. So carried.

A motion to approve the minutes of the May 21, 2015 Special Meeting of the Planning Board was made by Frank Gerrain; second by Betty Cure. All were in favor; none opposed. So carried.

V. Correspondence/Handouts

None

VI. Public Comment

None

VII. New Business

1. **Bradford Ellis**

- Sign Permit

No appearance; the Board determined that the application was incomplete.

A motion to table the application until such time as a representative appears before the Planning Board was made by Richard Bruno; second by Frank Gerrain. All were in favor; none opposed. So carried.

2. **Rick MacLeod/Recom**

602 County Route 45, Earlton, NY

Tax Map #: 53.00-4-22; Residential/Agricultural Zoning

- Home Occupation

Mr. MacLeod proposes the manufacture of Type 2 firearms for law enforcement and military personnel in his home by appointment only. He is considering expanding to retail sometime in the future. Although he has a personal firing range on-site; testing will be done at area gun clubs. No signage is required.

A motion to provide a letter of approval to the ATF was made by George Eignor; second by Richard Bruno. All were in favor; none opposed. So carried.

VIII. Old Business

**1. Review of Variance Hearings**

The Board reviewed the minutes of the June 2, 2015 Zoning Board of Appeals meeting and public hearings for the Rose and Frenk variance applications.

It was noted that the Frenks were granted variances only for sites #2 and #3; site #1 was denied.

Mr. Rose withdrew his application. The ZBA advised the Roses to re-apply after mitigating issues with the neighbors.

Charles Schaeffer apologized for missing the May 21<sup>st</sup> meeting and thanked the Board for hearing him. At the ZBA meeting, he learned that the variance requested by the Roses' would place the event venue disturbingly close to his property line. Having experienced weddings held by the prior owner, he suggested a more appropriate event site on the lower lawn behind the mansion to mitigate noise. He also submitted an aerial photo of the site.

The Chairman acknowledged that a variance will not be required if the event site is more than 300' from the neighboring property boundaries; however, the map on file requires a variance.

**2. Potential Restrictions to Special Use Permits**

**Susanne and Jean Louis Frenk**

256 Smith Road, W. Coxsackie

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

After reviewing the draft of Special Conditions drafted by the Chairman, Board Members agreed to add/change the following:

- The Frenks agreed to hold no more than six events per year;
- Events to be held from May 1<sup>st</sup> through October 31<sup>st</sup>;
- #4: add “and guests are required to leave at that time”;
- #7: change: “No more than 10” overnight guests to 9;
- Add “No fireworks or open fires”;
- Add “No more than 100 people per event”;
- Add “Sites 2 and 3 were granted variances; site #1 was denied.”

The Chairman added that the draft of the new permit application states that the Planning Board may revoke a Special Use Permit as well as the Code Enforcement Officer.

The Chairman will re-draft the restrictions for further review at the next Planning Board meeting.

**Richard and Jean Bassin**

88 Four Mile Point Road, Coxsackie

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

After reviewing the draft of Special Conditions drafted by the Chairman, Board Members agreed to add/change the following:

- The Bassins agreed to hold no more than six events per year;
- Events to be held from May 1<sup>st</sup> through October 31<sup>st</sup>;
- #4: add “and guests are required to leave at that time”;
- #7: change: “No more than 10” overnight guests to 9;
- Fireworks will be permitted on the river with a valid NYS Permit, to end no later than 10:00 p.m., with advance notice to neighbors;
- Fire-pit should measure no more than 5’ diameter;
- No parking on Four Mile Woods Road.

The Chairman will re-draft the restrictions for further review at the next Planning Board meeting.

Bill Whitbeck advised applicants that he found it offensive that they had held an illegal event, knowing that regulations were being drafted. Dr. Bassin explained that his attorney, Alex Betke, told him that there was no law excluding the event. Counsel to the Planning Board, Tal Rappleyea, disagreed and stated that if it is not addressed in the law, it is not allowed.

The Bassins requested SEQRA review this evening to allow them to host an event on June 13<sup>th</sup>. The Planning Board agreed to add the matter to the end of the agenda.

**3. Joseph Wolodkevich/Intelligent Technology Solutions**

11786 Route 9W, W. Coxsackie

Tax Map #55.12-2-19; Commercial Zone

- Change of Use

Mr. Wolodkevich requires Planning Board approval for the Department of Transportation to change his new driveway designation from residential to commercial to accommodate a two-bedroom apartment and private medical offices. He also intends to replace the culvert.

The Board advised that Site Plan Review, SEQRA and County 239-m Review are required. The matter will be added to the July agenda.

**4. Carl Draiss**

2 Hillside Court, Sleepy Hollow Lake

Tax Map #88.18-3-20

- Lot Consolidation (811 and 812)

Mr. Draiss would like to purchase an adjoining County-owned lot to extend his driveway and possibly add a garage. He intends to consolidate the two lots onto one deed. He was advised to submit a letter of approval from the Association of Property Owners of Sleepy Hollow Lake and a new survey map for the Chairman's signature for filing with the County.

**5. Richard and Jean Bassin**

88 Four Mile Point Road, Coxsackie

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

Commercial Wedding Venue: Special Use Permit

- SEQRA Review

It was noted that SEQRA Part 1 was previously completed and deemed an unlisted action; the Planning Board was designated as lead agency.

The Board completed SEQRA Part 2 and made a negative declaration following the asking of the short form questions by the Chairman and the Board answering "No" to each question. Motion made by Frank Gerrain; second by Richard Bruno. All were in favor; none opposed. So carried.

A motion to approve the Special Use Permit for Commercial Event Venue with restrictions as imposed by the Planning Board this night, was made by Richard Bruno; second by Frank Gerrain. Clark Pell, George Eignor, Betty Cure voted in favor; Bill Whitbeck opposed. Ayes: 5; Nays 1. So carried.

The Chairman advised applicants that he would contact them with information and the Permit.

**6. Potential Resolutions – Owls Hoot Barn Venue**

Three Resolutions drafted by the Chairman were tabled on the recommendation of Counsel as a permit cannot be revoked without due process.

Bill Whitbeck made a motion requesting the Chairman notify Kerri Corrigan d/b/a Owls Hoot Barn by certified mail, that the Planning Board intends to discuss the Resolutions at the July 2, 2015 Planning Board Meeting; second by George Eignor. All were in favor; none opposed. So carried.

The Chairman stated for the record that the Planning Board's position is that Ms. Corrigan is not in compliance with the law.

IX. Adjournment

A motion to adjourn the meeting at 9:30 p.m. was made by Bill Whitbeck; second by Betty Cure. All were in favor. None opposed. So carried.

Respectfully submitted,

Marlin A. Henry  
Planning Board Secretary

MAH