

Town of Cocksackie Planning Board
Meeting Minutes
August 6, 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 Cocksackie Town Hall.

II. Pledge of Allegiance

III. Roll Call

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

Guests in attendance were: Alice Allen/Redemption Acres, Frank Mozella, Mary Ann Patsy, Anthony Patsky, Kim Rose, Jeff Rose, Joseph Wolodkevich/ Intelligent Technology Solutions.

IV. Approval of Previous Minutes

A motion to approve the minutes of July 2, 2015, was made by Bill Whitbeck; second by Frank Gerrain. All were in favor; none opposed. So carried.

Susanne and Jean Louis Frenk

256 Smith Road, W. Cocksackie

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

- Special Use Permit for Commercial Event Venue

Chairman Pell noted for the record that a Special Use Permit with Conditions drafted and approved by the Planning Board was issued pursuant to receipt of the listing of events and fees.

V. Correspondence/Handouts

- Appeal of Issuance of Certificate of Occupancy to Owls Hoot Barn.

VI. Public Comment

- None

VII. Old Business

1. **Jeff and Kim Rose**

2924 Route 385, Coxsackie

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

- Application for Special Use Permit for Commercial Event Venue

The Chairman noted that the original site plan requiring a variance was withdrawn and the event site changed. Neighbor Schaeffer is satisfied with the new site and comfortable with the Roses' hosting 12 events per year. A wedding planner and/or site manager will be on-site for each event; the homeowners require additional insurance; each vendor will provide their own liability insurance; events will be catered.

The Board reviewed the draft special conditions with the applicants. The Special Use Permit is not transferable (which will be added to the special conditions). The Chairman will prepare the 239-m review for County approval. No fireworks or bonfires are anticipated. A public hearing was previously held, and the Planning Board adopted a motion declaring lead agency status for environmental review of this unlisted action.

Following the completion of SEQRA Part II by the Board, Frank Gerrain made a motion to determine no significant negative environmental impacts; second by Betty Cure. All were in favor; none opposed. So carried.

The original SEQRA was kept for the file; applicants were provided an approved copy.

A motion to approve the Special Use Permit based on the conditions drafted and approved by the Planning Board was made by Betty Cure; second by Frank Gerrain. All were in favor; none opposed. So carried.

The Chairman will provide the applicants with the approved Special Use Permit with Conditions.

2. Joseph Wolodkevich/Intelligent Technology Solutions, Inc.

11784 Route 9W, W. Coxsackie

Tax Map #55.12-2-13 and 55.12-2-18; Rural Residential Zoning

11786 Route 9W, W. Coxsackie

Tax Map #55.12-2-19 and 55.12-2-20; Commercial Zoning

- Change of Use for Driveway

Mr. Wolodkevich requested a change of use to widen his residential driveway at 11784 Route 9W to a 24' Minor Commercial Driveway as directed by NYSDOT. He plans to renovate the one-family house and garage into two apartments; he would also like to accommodate a seasonal farm stand or ice cream vendor. He advised that the two driveways existing on Route 9W are 200' apart.

Bill Whitbeck made the motion for the Planning Board to provide written confirmation to NYSDOT that there are no issues with the change of use from Residential to Minor Commercial Driveway; second by Frank Gerrain. All were in favor; none opposed. So carried.

The Chairman noted for the record that Mr. Wolodkevich has done a very nice job on recent renovations.

3. **Bradford Ellis**

- Sign Permit

No appearance.

4. **Ritter/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 executed the newly submitted survey maps and Mylar previously signed on May 7, 2015, as the applicant did not timely file them with the County.

A motion to re-approve and execute the maps with no changes from the originals was made by Bill Whitbeck; second by Frank Gerrain. All were in favor; none opposed. So carried.

A copy of the newly executed survey map was kept for the file.

VIII. New Business

1. Access: Supports for Living

11877 State Route 9W, W. Coxsackie

- Sign Permit

The permit application indicated two proposed signs: a permanent wall sign affixed to the building will consist of brushed aluminum letters with ½” spacers measuring 85” x 19” x ¼”; the second sign is a permanent double-faced 6’ x 3’ acrylic replacement on the existing roadside monument sign. Both signs are non-moving.

Following review, a motion to approve the sign permit was made by Frank Gerrain; second by Betty Cure. All were in favor; none opposed. So carried.

The original application was kept for the file; a copy was provided to the Code Enforcement Officer.

2. Diederich’s RV Mart, LLC

12319 Rt. 9W, W. Coxsackie, NY

- Sign Permit

The sign permit application and specifications for an electronic sign to replace the existing sign were reviewed with the applicants. Proposed signage will be reduced by 3 sq. ft.; the upper 4’ x 6’ sign will be internally lit; the lower 31” by 81” static LED sign will be programmed to change once per day.

The Chairman advised that although time and temperature are allowed, business signs are not community bulletin boards; signs with moving parts and/or motion are prohibited by Town Code.

A motion to approve the sign permit based on the graphics provided and conditioned upon once daily changes to business-related advertisements was made by Frank Gerrain; second by Betty Cure. All were in favor; none opposed. So carried.

The original approved application was kept for the file; a copy was provided to the applicants and the Code Enforcement Officer.

3. Anthony and MaryAnn Patsky/ Lincoln Auction Service

Route 9W/Plank Road, W. Coxsackie

Tax Map #70.00-3-15

- Site Plan Application

Mr. and Mrs. Patsky appeared for site plan approval to replace the barn that was destroyed by fire in April 2015. The Board advised that the new 50' x 100' metal building must meet the 100' setback requirement from the centerline of State Route 9W. County 239-m Review, SEQRA and a public hearing are also required.

The Chairman will consult with the Planning Board's attorney to ascertain if a full site plan review is required. If so, the public hearing will be scheduled for September 3, 2015.

A motion to schedule a public hearing on September 3, 2015 was made by Bill Whitbeck; second by Frank Gerrain. All were in favor; none opposed. So carried

4. Alice Allen/Redemption Acres

175 Jordan Road, Coxsackie

- Boehm Subdivision

Ms. Allen leases the old Schoenborn farm and disputes the Boehm lot line adjustments approved by the Planning Board on June 5, 2014 with “boundaries to be established”. She claims that the survey dated April 21, 2014 diminishes her parcel from 100 acres to 66 acres and historical deeds have been deleted by Town Officials.

She also stated that she was never notified of the boundary line changes to the adjoining parcels, although a letter on file from Mr. Boehm states that adjoining neighbors do not object to the division. She said she was threatened by a Town Official while attempting to erect a fence, and subsequently served with a Cease and Desist Order. A criminal complaint alleging illegal activity was thereafter filed against them, causing great hardship and grief.

The Chairman advised that the plat submitted was prepared by a professional licensed surveyor, and according to the Town of Coxsackie Planning Board Policy Regarding Single Division of Plot (dated June 5, 2014), did not require a public hearing. The survey was approved based on the information provided by the applicant. She was directed to pursue her land dispute in a court of law.

5. Kerri Corrigan/Owls Hoot Barn

386 Bronck Mill Road, W. Coxsackie

Tax Map #55.00-5-69

- Certificate of Occupancy

The Chairman related that the Code Enforcement Officer had issued a Certificate of Occupancy for Owls Hoot Barn. Since an application for a Special Use Permit for Commercial Event Venues has never been submitted to the Planning Board, Frank Gerrain questioned Code Enforcement, who referred him to the Town Attorney. It remains unclear if the certificate was mistakenly issued in place of a Certificate of Compliance for the fire sprinkler system.

Planning Board members reviewed and discussed the proposed Appeal of Issuance of Certificate of Occupancy to Owls Hoot Barn presented by Chairman Pell.

A motion to approve filing an appeal with the ZBA to overturn the Certificate of Occupancy was made by Bill Whitbeck; second by Frank Gerrain. All were in favor; none opposed. So carried.

IX. Adjournment

Bill Whitbeck made a motion to adjourn the meeting at 9:50 p.m.; second by Betty Cure. All were in favor. None opposed. So carried.

Respectfully submitted,

Marlin A. Henry
Planning Board Secretary