

TOWN OF COXSACKIE PLANNING BOARD
MINUTES OF REGULAR MEETING
March 7, 2019

CALL TO ORDER

Chairman Bruce Haeussler called the meeting to order at the Coxsackie Town Office Building at 7 p.m. followed by the Pledge of Allegiance.

ROLL CALL

The following members were in attendance: Chairman Bruce Haeussler, JoAnn Conway, Vice Chairman, Frank Gerrain, William Whitbeck, Joseph Garland, Secretary Patty McIntyre, and Attorney Tal Rappleyea. A quorum was declared.

Also in attendance were Shane Pilato and Lek Nazi, representing North Country Landscaping, Andy Marrone, Victoria Marrone, Carol Metz, Kim Rose, and Donald Smith.

MINUTES

A motion was made by Frank Gerrain and seconded by Jo Ann Conway to approve the minutes of the regular meeting of February 7, 2019. The motion was unanimously approved.

GENERAL DISCUSSION

The meeting began with discussions amongst the Board members. An FYI was given to members regarding the numerous requests that Bambi Hotaling has been receiving for information regarding the existing solar projects. JoAnn Conway inquired as to any progress on the solar project on Sunset Blvd. There was none.

Chairman Haeussler brought to the attention of the Board his concern of the use of private e-mail for Town business, citing the case of Schodack Town Planning Board members being sued over a case. Members were subject to having their private e-mails scrutinized. Chairman Haeussler recommended that we ask the Town for e-mail accounts for the whole Board to be used for communications regarding Planning Board business. Tal Rappleyea agreed that every individual should have one.

A copy of a letter from Ken Gifford, a representative from Sleepy Hollow Lake, was shared with the Board members. The letter was for documentation purposes regarding watershed concerns for the solar projects covered under Article 10.

A letter from the New York State Department of Environmental Conservation was shared with the Board regarding Lead Agency for the proposed firing range at the Coxsackie Correctional Facility. Attorney Rappleyea suggested that this was only informational for the Planning Board, and should be forwarded to the Town Board, as the Planning Board does not have jurisdiction.

Cypress Creek (Fallen Tree) failed to meet the requirements for a Public Hearing within the time frame required, so the Hearing was cancelled for this meeting. JoAnn Conway questioned how the Board would know if the residents had been properly notified. The Board needs proof of mailings at least 2 weeks ahead of the next meeting, so that they can check this against the list, which is provided by Gordon Bennett. Frank Gerrain made a motion to set a new Public Hearing for

Thursday, April 4, 2019 at 700pm at the new Town Building located at 56 Bailey Street Coxsackie, contingent on Cypress Creek fulfilling the requirements of notifying adjoining properties within 500 feet. Joe Garland seconded the motion, which passed unanimously.

A flyer regarding the 2019 Schoharie Watershed Summit was shared with Board members. The afternoon workshops count toward municipal credits for zoning boards.

OPEN MEETING TO PUBLIC

KIM ROSE- WEDDING VENUE

Kim Rose submitted a new Special Use Permit for her property (Tax Map #71.00-2-61). A permit was issued in December 2016. A Special Use Permit is abandoned after 1 year if not utilized, so it has to be approved again. The terms of the 2016 permit have not changed. Bill Whitbeck reminded the Board that we will have to have a Public Hearing. Frank Gerrain made a motion for a Public Hearing to take place on Thursday, April 4, 2019 at 7:00pm at 56 Bailey Street, Coxsackie. The motion was seconded by JoAnn Conway and passed unanimously.

NEW BUSINESS

NORTH COUNTRY LANDSCAPING

Board members reviewed a notice of violation issued to Shane Pilato regarding his property located at 10680 State Route 9W, Coxsackie, indicating that no permit was issued for the operation of a retail/commercial business for the sale of guns and other items and for the operation of a pistol range. Mr. Pilato submitted an application for a building permit, and a Special Use Permit. He cited that his business has grown since 2006 from the Landscaping business to include other things, and he was not aware that he had to appear before the Board again. He is willing to take the necessary steps to meet the requirements of the Town. Chairman Haeussler informed him that he will need a complete application including an environmental impact study, survey and site plans, etc., as well as to contact all neighbors within 500ft. of the property. After Mr. Pilato takes the necessary steps, a Public Hearing will be scheduled. Mr. Pilato and Lek Nazi are concerned about what to do in the meantime, as there are classes scheduled for May 4th that people have signed up for, and they are continuing to operate. If all requirements are met, it will be possible to schedule a Public Hearing for May 2, 2019. JoAnn Conway asked about what happens if there are neighbors that are opposed. Chairman Haeussler responded that we are here to accommodate the neighbors as much as we can, but if his legal obligations are met, we cannot deny the permits. The purpose of the Public Hearing is to hear from the public! Lek Nazi mentioned that there were complaints when a group was using high-powered rifles, so currently only pistols are being used. They are trying to work with everyone, and even measured the noise level as well as only operating during the hours of 10:00 am to 4:00pm. Victoria and Andy Marrone asked if they understood this to mean that there will be no shooting until this is approved. Chairman Haeussler did not say that, however no one is shooting at this point, as the range is closed for winter. Also, any zoning issues must go before the Zoning Board. The Planning Board has no authority to enforce. Mr. Pilato was asked to submit an updated business plan, and updated site plan for Board review prior to the next meeting.

PUBLIC INPUT

Carol Metz requested a copy of the letter from Sleepy Hollow Lake aforementioned above.

Carol expressed her concerned regarding Cypress Creek. If they have not followed the rules or met the deadlines required for a Public Hearing, who will monitor the project to ensure those “rules” are being followed? This is the responsibility of the Code Enforcement Officer. Carol questioned the fact that the Town of Coxsackie granted a hardship based on the silt from the corn fields, but then the project was moved, and it is highly residential and results in de-foresting. Chairman Haeussler reminded her that the Town considered this project before the Article 10 laws. The Planning Board cannot prevent it, as it is not the decision-making body. He recommended presenting the questions to the Town Board. After the Public Hearing is closed, then the Planning Board will go through the laws to see that they met all requirements. The PB will review what was said at the Hearing and make recommendations and subsequently a decision.

Donald Smith asked if there was a decibel standard in the Code book regarding noise at the firing range, and was told that there is. It would be measured by the Code Enforcement Officer and it can be made a condition of approval for the gun range.

ADJOURNMENT

A motion was made by Bill Whitbeck and seconded by Joe Garland to adjourn the meeting at 8:10 p.m. The motion was unanimously approved.

RESPECTFULLY SUBMITTED,

Patricia McIntyre, Secretary