

TOWN OF COXSACKIE PLANNING BOARD
MINUTES OF REGULAR MEETING
October 1, 2020

CALL TO ORDER

Ad Hoc Chairman William Whitbeck called the meeting to order at the Coxsackie Town Office Building at 7:00 PM followed by the Pledge of Allegiance.

ROLL CALL

The following members were in attendance: Ad Hoc Chairman William Whitbeck, JoAnne Conway, Linda Deubert, Joe Garland, Attorney Tal Rappleyea and Secretary, Patty McIntyre. A quorum was declared. Also in attendance were Town residents Carol Metz, Jean Muller, Alex Ritter, Roger Rice, Margaret and Hugh Quigley, Victoria and Steven Dragon, R. Mysck(?), Martina Gallagher, Melanie Lekocevic representing the Catskill Daily Mail, and Russel Barnes representing The Grange event venue.

MINUTES

A motion was made by Joe Garland and seconded by Linda Deubert to accept the minutes of the September 3, 2020 meeting. The motion was unanimously approved.

PUBLIC HEARING – THE GRANGE

Ad Hoc Chairman Bill Whitbeck began the meeting with an explanation of the role of the Planning Board. He reminded the public that the Board is a Board of Compliance. “We don’t write the laws, we don’t enforce the laws, but we do follow the laws”. The Special Use Permit allows us to put conditions on the proposal. A motion to open the public hearing was made by JoAnne Conway and seconded by Linda Deubert. A notice was published in the Catskill Daily Mail. Mr. Whitbeck read the notice aloud. He then asked Russel Barnes to make a short presentation to the public so they understand what the proposal is. He presented his plans for the property located at 2551 Route 385. A portion runs along Adams road. The intention is to have 10-12 wedding events per year at the site, following all the applicable guidelines of the Town. The Town will be notified the prior year, of the events that are planned. One hundred parking spots will be allocated, and not more that 150 guests are anticipated. The day before would be a set up day. Amplified music would be shut down at 10:00pm. Either Mr. Barnes, or his wife will be on site for the events. Port-o-johns would be brought in, a temporary tent will be erected, and food will be brought in to the event. Golf carts will transport guests along a lit path from the parking near Adams Road to the tent. The music would be directed toward a dairy barn to hopefully muffle the sound to maintain the peace and tranquility of the area. He will do decibel readings. He will communicate with the closest neighbors.

The first member of the public to be heard was neighbor Jean Muller. She was concerned that directing the music toward the dairy barn was facing her property. “We sit out on our back deck to enjoy the peace and quiet of the property that we purchased several years ago in order to maintain it. What I am hearing is that you are facing the music towards us, is that correct?” Mr. Barnes showed

the location of the barn in relation to Rte. 385 and handed out maps to those that wanted them. Her next question was in regard to Mr. Barnes' proposal to plant trees and does the public have any say as to what type would be planted. Mr. Barnes will look into it, but feels they will probably be spruce.

Next to speak was Alex Ritter, an adjacent landowner located at 552 Adams Road. He read from a write up that he had prepared:

Good evening,

My name is Alex Ritter, residing at 552 Adams Rd, and I am an adjacent land owner to the proposed event/wedding venue in question. My purpose here today is not one of blind refusal or anger at the prospect of this proposed event/wedding venue, instead my purpose is assurance. Assurance that Mr. Barnes and Ms. Mickle can use their property however they so choose as is afforded to them by all applicable codes and laws just as I would or any anybody else in this room would. I am also here to put forth that I will be relentlessly pursuing assurance that Mr. Barnes' and Ms. Mickle's use of their property does not negatively affect my family's quality of life or impede our use of our property.

My wife and I moved to our current home 8 years ago with the expressed intent to put down roots and raise a family in a rural portion of the Hudson Valley in close proximity to both of our jobs. I being an Engineer for Ducommun Aerostructures in Coxsackie and my wife being an elementary school teacher for Catskill Central School district, Coxsackie checked all of the boxes that we were looking for.

We knew as soon as we were pulling down the driveway as prospective buyers of our now home that this was the exact combination that we were looking for. A rural neighborhood near the village and in close proximity to the Hudson river. It was free from the influence of any commercial industry with views of rolling hay fields to one side and the Catskill mountains to the other. But most importantly it had our two most crucial and non-negotiable qualities; peace and quiet and privacy.

Now, this is the part where we talk about assurance again because if not done properly all that we have and have worked for with this home can be snatched away from us. While you might see cost efficient wedding venue for lucky clients to celebrate their vows, from our point of view it is a large white tent filled with blaring music and intoxicated guests flanked with a gravel parking lot and trailer porta potties identical to what you would see driving past a small town fair. As far as the neighbors are concerned the only difference here is this is not for the benefit and enjoyment of the community as a small town fair would be this is for the financial gain of one land owner, Mr. Barnes.

That being said, I would like to propose a series of questions and concerns that I believe will help ensure Mr. Barnes and Ms. Mickle can run his business on his property as is his right without negative impact on those who call the immediate area around this proposed venue home.

Mr. Ritter began a series of questions for Mr. Barnes.

Q. The proposed hours of operation for the events are 11am to 10pm, what are the actual hours?

A. Mr. Barnes: The set up takes place the day before, so the bride and groom would set up, maybe a sound check. On the following day, which is the day of the event, it will be according to code.

Q. What constitutes the beginning and end of the event? Is it when the first guest arrives until the last leaves, or the first vendor arrives, and the last leaves, is it when you choose to turn out the lights?

A. Mr. Barnes: Again it would be by code.

Mr. Whitbeck read the code “They shall not commence earlier than 12:00pm and shall be terminated by 10:00pm.” That is not just for the amplified music, that is the entire event.

Q. In the Grange’s document titled “COXSACKIE BOARD RESPONSE v1” under the Hour of Operation section, The Grange states that amplified music will end at 10pm and non-amplified music, an acoustic guitar for example, may continue until midnight. If the event is complete at 10pm why is non-amplified music being played until midnight?

A. Mr. Barnes: I am just finding this out right now.

Q. Will these hours be placed onto the special use permit?

A. Mr. Whitbeck: It is the law.

Q. How are these hours going to be enforced by the Grange as to ensure the adjacent landowner and neighborhood are not disturbed at all hours of the night?

A. Mr. Barnes: We will go by the laws, and contractually signed to make sure that it is done.

Q. So, get everyone off the property by 10 o’clock or turn off the music by 10 o’clock?

A. Mr. Barnes: I did not get into the nuts and bolts of what the rules are.

Q. In the event of non-compliance will the town enforce the hours of operation? And if so, how?

A. Mr. Whitbeck: The Planning Board is not an enforcement body.

Q. Who would do that?

A. Mr. Whitbeck: The Code Enforcement Officer, and this is a Special Use Permit and it can be revoked at any time that they are in violation, and we have done that.

Q. The site plans as supplied, are no longer accurate. There has been a barn demolished directly to the North of the proposed venue site since the plans were created. This barn appears to have been described in previous meeting minutes and written responses to the board as a sound barrier to the adjacent landowner. This barn would have provided screening of the proposed tent to the adjacent landowners to the North and Northwest. Does the Grange plan on updating the site plans to give an accurate representation to the board and other town members?

A. Mr. Barnes pointed out the barn that was referred to for sound buffering that still exists. There was a pole barn that was damaged and removed and is no longer in place. The site plans will be updated to reflect that.

Q. The site plan does not depict the adjacent landowners’ dwellings. While you are updating can this be added to give the board and all concerned parties an accurate representation of the proposed situation and how it may impact them?

A. Mr. Barnes: Yes, I can add adjacent homes.

Q. For the proposed “Evergreen Screening” you indicated in your narrative, is there any addendums or supplemental information that show compliance with Zoning Code 201-52 section C(8)? Mr. Ritter then quoted the code.

A. Mr. Barnes: In the original site plan that we submitted, the last two pages which have not changed, I believe it was submitted at that time.

Q. The Grange proposes the speakers “will be required to face east towards the barn/Rt 385.” Will this stipulation be placed on their special use permit to ensure future compliance and reduce the nuisance on adjacent landowners?

A. Mr. Barnes: Yes

Q. The Grange claims the “barn will block/absorb most noise”. One out of the two barns The Grange claims is going to block/absorb any noise has been demolished and removed since the current submitted site plans were made. What effect does this have on the claim for sound absorption?

A. Mr. Barnes: I never said the pole barn would block the noise, only the brick dairy barn.

Q. So the brick dairy barn with it being pointed at 385 on the other side of it where there’s no homes and there are fields with trees leading down to a tree line, why block the sound from that?

A. Mr. Barnes: My concern was basically for the noise in general and to show that we are trying to work with those that have concerns. Mr. Ritter: And I really do appreciate that.

Q. Solid non-porous surfaces such as barns do not absorb all of the sound they come into contact with, most will be reflected and/or reverberated in other unintended directions especially when being created by a direction source like speakers as there are no conflicting sound waves to cancel out and reduce the total perceived sound reflected and/or reverberated off of the said surface. If the speakers are required to face east towards the barn, from the proposed location of the tent the angle of incidence for the sound is such that a portion of this music as well as the general noise that comes with a 225 person wedding will be reflected and/or reverberated back towards the adjacent land owners, and almost exactly in my direction, to the North and West and could potentially multiply the perceived noise level many times over. This could be a significant nuisance to the adjacent landowners. Does the Grange plan on doing a sound study by a professional to ensure the optimal placement of sound equipment to not present this nuisance to the adjacent landowner?

A. Mr. Barnes: I appreciate your study of sound; you obviously know a lot more about this than I do. One of the meetings I talked about using hay bales. I didn’t want to go ahead and do sound tests until I could address all the questions the community had. One scenario would be to line the barn with hay bales, temporarily.

Q. According to Zoning Code 201-34 section D the noise as measured from the property line of proposed site in question shall not exceed 70dBa during proposed hours of operation. How is The Grange going to ensure this level is not exceeded?

A. Mr. Barnes: It will have to be fine-tuned. The sound system itself will be controlled by The Grange and will be set to the appropriate decibel level. We’d work with the surrounding neighbors. We have to let the Town know a whole year prior, so we are not having events next year. We have a whole year to work with the neighborhood.

Q. According to Zoning Code 201-34 section D, the owner must have in their possession an A-weighted slow response meter to measure the sound, so I assume you will be purchasing one?

A. Mr. Barnes: Yes sir.

Q. In the meeting minutes for planning board dated July 9, 2020 it is noted when asked about the amplified music and sound nuisance to the neighbors “Mr. Russell will be supplying the amplifier and speaker unit to the correct decibel level”. I’m assuming you will figure that out after you get your sound engineer. Will Mr. Russell be mandating that The Grange’s supplied amplifier and speaker be the only one used by any outside entertainment hired for the event?

A. Mr. Barnes: Yes sir.

Q. How will The Grange ensure this “correct” level is never exceeded during the course of an event when the controls for any sound equipment may not be under supervision of either the Barnes’ or their trusted representative?

A. Mr. Barnes: That’s a good question, it will be under lock and key.

Q. According to the NTSB the average passenger vehicle idling creates approximately 40db of sound. The sound created by over 100 vehicles all attempting to arrive at the same time or leave at 10pm would be very significant. Has the Grange done any studies on what the perceived noise level will be in dBA to the (3) adjacent properties and is the existing brush line sufficient to quell this noise? I believe there is a 100 space, the grass parking lot for overflow parking.

A. Mr. Barnes: For emergency use only if needed. Any additional vehicles would be parked there depending on the day.

Mr. Ritter: That emphasizes more the normal passenger vehicle. There are 3 houses in immediate proximity to that location. 10pm, 125 cars, 10-15 trucks fire up, you’re waking my daughter up, and I don’t think the rest of us would appreciate that. I’m wondering how you are going to deal with that.

Mr. Barnes: So, it is something that we will have to explore as well. 125 cars, studies say in general 3 people per car for a wedding, so that would be 3 times as many people.

Mr. Ritter: Yes, but in theory your plan states a 225 people maximum and everyone could show up stag.

Mr. Barnes: I don’t know how we would stagger vehicles, but I do know that you have the die-hards that stay until the end, but usually have a filter out of guests, so I don’t anticipate 225 people leaving at once. But to address your question about the sound, we would have to add trees, and we can come to an agreement to the decibels that you are happy with.

Mr. Ritter: Maybe it could be part of the sound engineer’s report.

At this point, Mr. Whitbeck asked that we move along to give other members of the public a chance to speak. Mr. Barnes was okay to push the public hearing to continue next month in an effort to address the rest of Mr. Ritter’s questions. So, Mr. Ritter and Mr. Barnes will get together. The public hearing will remain open until the next meeting.

Melanie Lekocevic representing the Daily Mail newspaper asked to be caught up to speed on the existing property. No buildings will be used for the weddings on the 78 acres of property.

Martina Gallagher owns the property that is not depicted on the drawings across from the parking area. She felt that everything that would detract from peaceful living is directed at our property. She totally objects to having a runway for golf carts with solar lights that looks like a landing strip. She wrote up some of her concerns and submitted them to the Board. She quoted Article 11 201-82.6 in regard to screening the parking. Mr. Barnes was not aware of the ordinance and will check with the engineer. Mr. Barnes assured her that they are not a faceless corporation. The property was purchased with a different intention, and that changed, so they are looking for a way to make this property financially viable. He would like to maintain this as farmland and hayfields and unmarred by development. Ms. Gallagher does not feel it is acceptable. This is a ground-level path of about 1,000 feet. The solar lights would not be lit when there is not an event.

Jean Muller asked if there was a plan to secure the property so that patrons did not wander off, especially if people are intoxicated. Mr. Barnes did not have an answer at this time. She wondered if the Special Use Permit could be changed once approved. Mr. Rappleyea said only with proper procedure. A Special Use Permit is needed as part of the wedding venue requirements.

Mr. Barnes said he was happy to start a dialogue with everyone. He gave those interested his e-mail and phone number to continue talking. Mr. Garland asked if anyone would be staying in the house, and Mr. Barnes stated that 4-8 people could stay in the house. The public hearing will continue into the next meeting.

No other input was given on other issues.

Mr. Whitbeck reminded the Board of the virtual input opportunity for the Hectate Solar project to take place October 15.

ADJOURNMENT

A motion was made by Joe Garland and seconded by JoAnne Conway to adjourn the meeting at 7:50pm. The motion was accepted unanimously.

RESPECTFULLY SUBMITTED,

Patricia McIntyre, Secretary