

**TOWN OF COXSACKIE PLANNING BOARD**  
**MINUTES OF REGULAR MEETING**  
**February 4, 2021**

**CALL TO ORDER**

Chairman Bruce Haeussler 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: Chairman Bruce Haeussler, Vice Chairman, Frank Gerrain, William Whitbeck, JoAnne Conway, Linda Deubert, Joe Garland and Secretary, Patty McIntyre. A quorum was declared. Also, in attendance were Alden Kaplan, Richard Kornutik and G. Kornutik.

**MINUTES**

A motion was made by Joe Garland and seconded by JoAnne Conway to accept the minutes of the December 3, 2020 meeting. The motion was unanimously approved.

**BOARD DISCUSSIONS**

A discussion of Freepoint Solar LLC's notification of their organization of a new entity to develop their project. FPS Coxsackie Solar LLC ("FPS") is a wholly owned direct subsidiary of Freepoint and will transfer all its right, title, and interest in all assets of the project. Chairman Haeussler reminded the Board that diligence must be practiced when approving commercial solar farms and attention given to where much of the power will go.

The Board has changed over to the voucher system for payment. Members will be paid only if they attend the monthly meeting. All members were paid, however for January because the meeting was cancelled due to COVID.

The resignation of long-time member Hal Beaumont was read. Chairman Haeussler wished him well and thanked him for his over 30 years of service to the Planning Board.

Training hours for 2021 are listed on the agenda next to the Board member's name. Hours over the required 4 hours roll over to the next calendar year.

The Board discussed an inquiry from Mr. Jeff Colantino of Tilson Tech regarding the interpretation of the Town of Coxsackie cell tower ordinance. Specifically, Section 185-6 which states that any new cell tower to be constructed must provide reasonable efforts to be placed within a "reasonable distance" of existing telecommunication facilities. The Board felt that a reasonable distance could be better determined if said company would let them know what site they are considering. Since the law strongly encourages co-location, "reasonable" means that it is proposed to be in a location where

no other existing tower can provide sufficient coverage or there is no space on one to attach the antenna to get the needed coverage. Secretary McIntyre will communicate this with Mr. Colantino.

Chairman Haeussler informed the Board that Greene County has notified him that they do not review subdivisions, although our governing law requires the Town Planning Board to submit a 239 referral when one is proposed on a County highway. Bill Whitbeck suggested that the Board still follow due diligence and submit the forms, and the County can then just send it back.

Chairman Haeussler informed the Planning Board that he will be petitioning the Town Board to allow the Planning Board to waive the requirement of a public hearings for certain "lot line adjustments or agreeable minor sub-divisions".

## **OPEN TO PUBLIC**

### **ALDEN KAPLAN- LOT LINE ADJUSTMENT**

Mr. Kaplan currently owns three lots in Sleepy Hollow Lake (TT-016, TT-017 & TT-027) at the shoreline. He is proposing the adjustment of the lot line between the parcels so that Lot 16, which includes his residence be extended to include a drainage swail that currently effects Lot 27. He would like to do this so that he can address the drainage issues, and in the future if he decides to sell, he will not need to have an easement drawn up. A motion was made by Bill Whitbeck and seconded by Frank Gerrain to accept the adjustment given that he submits a new survey (mylar + 7 copies) to be reviewed and signed by the Chairman. All were in favor.

### **RICHARD KORNUK – 2 SUBDIVISIONS**

Mr. Kornutik submitted two applications for subdivision of properties on Murders Kill Road. Tax ID Number 88.00.2-35 and 88.00-2-36. In doing so, he will create 4 building lots. He will need at least 200 feet of road frontage and a minimum of 2 acres for each lot. The Planning Board had no issues with what he was proposing at this time and asked that he have surveys done and return to another meeting. Once the surveys are examined and the zoning laws are in order, the next step will be to schedule a public hearing.

### **JOSEPH SCHMITZ -GROUND MOUNT SOLAR**

No representative was in attendance, so the item is tabled.

### **ROSE HILL WEDDING VENUE – AARON FLACH**

No representative was in attendance. Secretary McIntyre will contact Aaron Flach to let him know that as the new owner of the property located at 2924 Rt. 385, Cocksackie, he cannot hold events until he has submitted an application and fees for Site Plan Review and Special Use Permit and agrees to the conditions previously approved by the previous owner, Kim Rose.

**EXECUTIVE SESSION**

A motion was made by JoAnne Conway at 7:45pm to go into executive session to discuss a personnel issue as well as a legal issue. The motion was seconded by Joe Garland.

At 8:10pm, Bill Whitbeck made a motion to come out of executive session, seconded by Frank Gerrain.

**STIPULATION OF SETTLEMENT**

In reference to pending litigation, a motion was made by JoAnne Conway and seconded by Joe Garland to take a vote as to whether said members agree or disagree with the settlement. The vote was as follows:

- Linda Deubert – abstained (for reason that she was not yet a member of the Board when this issue was before the Planning Board)
- JoAnne Conway – disagree
- William Whitbeck – disagree
- Bruce Haeussler – disagree
- Frank Gerrain – disagree
- Joe Garland – disagree

The Board unanimously, with one abstention, voted not to accept the proposed settlement.

**ADJOURNMENT**

A motion was made by Bill Whitbeck and seconded by Frank Gerrain to adjourn the meeting at 8:20pm. The motion was accepted unanimously.

**RESPECTFULLY SUBMITTED,**

**Patricia McIntyre, Secretary**