

**TOWN OF COXSACKIE PLANNING BOARD**  
**MINUTES OF REGULAR MEETING**  
**November 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, Nathan Tailleir, Joseph Garland, Secretary Patty McIntyre, and Attorney Tal Rappleyea. A quorum was declared. Also, in attendance were Evan Young and Theresa Fuller, representing Crawford & Associates Engineering, Patrick Doyle, William Matter, Haylee and Caleb Adkins, representing The Grange, Randy Robinson, Barb Lisa, David and Helen Meier, Fred Piazza, Mary Garvey, Steve Ritter, Herman Ritter, Jr., Kipp Gertz, Michael Barkman, Bonnie and Noel Osborn, Jeff Ostertag, representing Santo Associates, Giuseppina Agovino, and Lorraine Gregory.

**MINUTES**

A motion was made by Frank Gerrain and seconded by Linda Deubert to accept the minutes of the October 7, 2021 meeting. All members with exception of Chairman Haeussler approved. Chairman Haeussler abstained as he was not present at the meeting.

**BOARD DISCUSSIONS**

Vice Chairman Frank Gerrain voiced his concerns regarding the Solar arrays on Bailey Street (R & R). The fencing is broken. It was approved with the idea that it would be maintained. Frank Gerrain suggested that a letter be written to the Mayor of Coxsackie as well as the IDA, the Solar company, and the Town Board regarding the responsibility to maintain.

A template for notifying neighbors of applicants of a pending public hearing was presented and accepted by the Board to ensure proper notifications.

**OPEN TO PUBLIC**

**PUBLIC HEARING – BILL MATTER – EVENT VENUE**

A motion to open the public hearing was made by Bill Whitbeck and seconded by Joe Garland at 7:04pm. Bill Matter is applying for a special use permit and site plan review for the use of his barn as an event venue, located at 1754 High Hill Rd. He has held family weddings there and has been cited for not being permitted. His plan is to hold weddings/social and family events, with a maximum of 5 per year and to host between 100-110 people. Mr. Matter supplied the proof of mailing notifications and SEAF Part 1 to the Board. The Board received several videos and pictures of events taking place at the barn as recently as October 30<sup>th</sup>. Bonnie Osborne, a neighbor across the street submitted a letter opposing the event venue. She spoke to the Board regarding the number of parties, the noise level and parking issues and the inconsideration of the neighborhood. Chairman Haeussler

referenced the Notice of Violation that was issued to Mr. Matter and stated that until that violation is resolved, the Board will not consider the application. Mr. Matter was directed to get together with the building inspector to resolve the issues. Until that time, he was directed to not hold any gatherings. The biggest concern is health, fire, and safety. There are restrictions that he will have to meet. Bill Whitbeck made a motion to keep the Public Hearing open so that he will not have to re-notify neighbors and the Board will work on a month-to-month basis. Joe Garland seconded the motion, and all were in favor.

#### **PUBLIC HEARING - ERIN PEABODY – GROUND MOUNT SOLAR**

A motion to open the public hearing was made by Frank Gerrain and seconded by Bill Whitbeck at 7:10pm. Mr. Ben Potiker of Plug PV LLC spoke regarding installation of ground-mount solar on the Property of Erin Peabody located at 10287 Rte. 9W (87.00-3-7). The proposal is to install residential solar of 20.4 kw. There will be one array consisting of 60 panels, facing south. Only the side view will be visible from the road, and it sits back about 19 feet. There are evergreens there. If additional screening is needed, they could put in additional evergreens. Proof of mailings to neighbors and SEAF Part 1 were submitted to the Board. Neighbor, Giuseppina Agovino spoke in support of the project. Attorney Tal Rappleyea went through the eleven questions required for SEAF Part 2. All questions were answered as no. Joe Garland made a motion and Frank Gerrain seconded the motion to accept a negative declaration. The motion passed unanimously. Bill Whitbeck made a motion to approve the site plan review and special use permit for ground-mount solar and Joe Garland seconded it. All were in favor. A motion to close the public hearing was made by Bill Whitbeck at 7:17pm.

#### **PUBLIC HEARING - KIPP GERTZ- AUTO RESTORATION**

A motion to open the public hearing was made by JoAnne Conway and seconded by Frank Gerrain at 7:17pm. Mr. Gertz submitted an application for a site plan review and special use permit for the use of his existing garage/shop to be used as an automotive restoration and parts fabrication facility on the property located at 36 Potic Creek Rd., Earlton, NY 12058. No changes to the exterior of the shop are being proposed. The previous owner had a repair shop, which has not been in use. He will restore up to 2 vehicles per year. No spraying will occur, mostly bodywork and fabrication. It is zoned as RA 1. Chairman Haeussler shared that he received input from an anonymous source that was concerned about junk being on the property. Mr. Gertz said there wouldn't be any and that they are in the process of cleaning it up and a privacy fence will be installed. Frank Gerrain reiterated his concern about the spraying and its effect on Potic Creek. Mr. Gertz does not plan on any painting on site, the only chemical he will be using is for priming which is a very low voc (2.1) and his exhaust filter is equipped with EPA approved filters. Attorney Tal Rappleyea went through the eleven questions on the SEAF Part 2, and all questions were answered as no. A motion to declare a negative declaration was made by Joe Garland and seconded by Bill Whitbeck and passed unanimously. A motion to approve the special use permit pending the receipt of the NY DMV facility license and under the condition of no storage and parts on the outside lot, was made by Bill Whitbeck and seconded by Frank Gerrain. All were in favor. A motion to close the public hearing was made by Bill Whitbeck and seconded by Frank Gerrain at 7:26pm.

### **PUBLIC HEARING - RANDOLPH & EARL ROBINSON – SUBDIVISION**

A motion to open the public hearing was made by Bill Whitbeck and seconded by JoAnne Conway at 7:26pm. Evan Young and Theresa Fuller of Crawford & Associates Engineering presented drawings on behalf of the Robinsons to subdivide the parcel located at Undercliff Rd. (87.00-2-16) into 2 lots of 31 and 56.2 acres, respectively. Tal Rappleeya brought to the attention of the Board that Mr. Young is a member of the Town of Chatham Planning Board and that he is also the attorney for the Town of Chatham. There is no conflict of interest involved, but he wanted to make the Board aware that this relationship does exist. Proof of notification to neighbors and SEAF Part I were submitted. The property is located off Greene Lake Road. The maps include a 50 ft. right of way to be constructed to provide a potential access to a public road. There was discussion of requiring a maintenance agreement for the right of way. Neighbor, Fred Piazza expressed his concern regarding the right of way. He does not want trucks coming in and out behind his house. He suggested that they use access from Rte. 9W instead of where it is being proposed. Mr. Evans indicated that it is not the intent to use this for construction. Chairman Haeussler is not in favor of creating land-locked property with a right of way. A motion to keep the public hearing open while the plans are adjusted with an alternate access road was made by Bill Whitbeck and seconded by Joe Garland. All were in favor. JoAnne Conway asked if limitations can be put on the right of way, and Mr. Rappleeya said that it could be part of the agreement to limit the access. Mr. Young will come back next month to address these concerns.

### **PUBLIC HEARING - FRANK DREWELLO -SUBDIVISION**

A motion to open the public hearing was made by Bill Whitbeck and seconded JoAnne Conway at 7:40pm. Evan Young and Theresa Fuller of Crawford & Associates Engineering presented updated maps on behalf of Frank Drewello to subdivide the property located at 1002 Flint Mine Road (87.00-4-4) into 2 lots of 22.16 and 107.7 acres respectively. Proof of mailing to neighbors and SEAF Part 1 were submitted. Neighbor, Lorraine Gregory spoke in favor of the subdivision. Attorney Rappleeya read through the SEAF Part 2 questions. Member Nathan Tailleir questioned why the fact that one of the parcels will be used for solar (Flint Mine) is not considered for the environmental impact questions. It was reiterated that, the use of the land is not what the Board is charged with determining, but just whether the subdivision itself will have impact. The solar use is under Article 10, so the Board has no jurisdiction. A motion to approve the negative declaration of SEAF Part 2 was made by Frank Gerrain and seconded by Joe Garland. The motion was approved with Nathan Tailleir voting no, and JoAnne Conway abstaining. A motion to approve the subdivision was made by Joe Garland and seconded by Frank Gerrain. The motion was accepted with Nathan Tailleir opposing and JoAnne Conway abstaining. A motion to close the public hearing was made by Bill Whitbeck and seconded by Joe Garland at 7:55pm.

### **PUBLIC HEARING - STEPHEN RITTER – SUBDIVISION**

A motion to open the public hearing was made by Bill Whitbeck and seconded by Joe Garland at 7:55pm. Proof of mailings and SEAF Part 1 were submitted to the Board. Evan Young and Theresa Fuller of Crawford & Associates Engineering presented drawings on behalf of Stephen Ritter to subdivide the property located at 957 Flats Road (88.00-1-41) into 5 lots of 5.20, 23.82, 56.63, 5.83, and 37.27 acres respectively. The property is multi-zoned. All parcels will have road frontage. Mr. Steven Ritter helped orient the Board as to the location of the property being presented. Attorney Rappleeya again read the eleven questions for SEAF Part 2. There was some more discussion regarding the possibility of solar being constructed on the property. Patrick Doyle of Flint Mine Solar

reminded all that this has already been addressed in the public and is covered by Article 10. Also, it was pointed out by Frank Gerrain that the water supply for Sleepy Hollow goes through the property. A motion to accept negative declaration was made by Bill Whitbeck and seconded by Frank Gerrain. Nathan Tailleir was opposed, and JoAnne Conway abstained. The motion passed. A motion to approve the subdivision was made by Bill Whitbeck and seconded by Frank Gerrain. The motion passed with Nathan Tailleir opposed and JoAnne Conway abstained. A motion to close the public hearing at 8:10pm was made by Bill Whitbeck and seconded by JoAnne Conway.

**THE GRANGE EVENT VENUE – Haylee and Caleb Adkins**

An application for site plan review and special use permit for event space for community and personal events has been submitted by Haylee and Caleb Adkins for the property located at 2551 Route 385, Cocksackie (88.00-2-39). Ms. Adkins addressed the Board’s request regarding conceptual approval from DOT and a curb-cut to Rte. 385. She said that they do not see any issue, but paperwork will need to be filed. She was unsure if she should move forward with that paperwork. Chairman Haeussler brought to light the location of the power lines for them to take into consideration. The owners have covered all the points listed on the submission papers. Chairman Haeussler will write up the points required for an event venue and forward to the owners. A motion to schedule a public hearing for Thursday, December 2, 2021 was made by Joe Garland and seconded by JoAnne Conway. The motion passed unanimously.

**SUSAN PACUK- SUBDIVISION**

Jeff Ostertag representing Santo Associates and Susan Pacuk presented sketches to subdivide the property located at 54 Adams Road into 3 lots. It is zoned Rural Residential, so 2 acres is sufficient for a lot. One lot will be 15+ acres, one will be 2+ acres, and the third will be 6+ acres. A motion was made by Bill Whitbeck and seconded by Frank Gerrain to schedule a public hearing for Thursday, December 2, 2021. All were in favor.

**ADJOURNMENT**

A motion was made by Bill Whitbeck and seconded by Joe Garland to adjourn the meeting at 8:42pm. The motion was accepted unanimously.

**RESPECTFULLY SUBMITTED,**

**Patricia McIntyre, Secretary**