

**TOWN OF COXSACKIE PLANNING BOARD
MINUTES OF REGULAR MEETING
March 3, 2022**

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, Secretary Patty McIntyre, and Attorney Tal Rappleyea. A quorum was declared. Also, in attendance were Jennifer Crawford, representing Crawford & Associates Engineering, Randy Robinson, David and Helen Meier, Danielle Misuraca, Theresa Fuller, Carol Metz, Mike Bujala, Al McDonald of Santos Associates, Patrick Doyle, and M. Garvey.

MINUTES

A motion was made by Linda Deubert and seconded by JoAnne Conway to accept the minutes of the January 6, 2022 meeting. All members were in favor. (There was no meeting in February due to inclement weather.)

BOARD DISCUSSIONS

Joanne Conway inquired again about the tires being dumped on Rte. 81. Chairman Haeussler referred all questions and concerns to Attorney Tal Rappleyea. At this point, it is in the hands of the DEC. They are in proceedings currently. Legislators, Congressmen, and the Governor are all aware of the situation which is becoming hazardous.

The official Notice of Action documents for The Grange event venue were reviewed by the Board. A motion to accept the conditions as written was made by JoAnne Conway and seconded by Frank Gerrain. The motion passed unanimously.

JoAnne Conway commented on the sign/lighting at the entrance of Sleepy Hollow on Rte. 385. The lights are very bright and distracting at night. She recalled that when the Board approved the lighting it was supposed to be similar to what already existed. This needs to be brought to the attention of CEO Ed Pebler for compliance.

OPEN TO PUBLIC

PUBLIC HEARING-continuation – SUSAN PACUK – SUBDIVISION

Mr. Al MacDonald, representing Santo Associates presented the sketches for the landowner, 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.

All paperwork has been submitted by the applicant. There was no public comment. A motion to close the Public Hearing was made by Bill Whitbeck and seconded by Frank Gerrain and was so moved. Attorney Rappleyea read the SEAF Part 2 questions, and all answers were no. A motion to make a negative declaration was made by Linda Deubert and seconded by JoAnne Conway. All were in favor. A motion to approve the subdivision was made by Bill Whitbeck and seconded by Frank Gerrain. The motion passed unanimously. Mr. McDonald will remit 1 Mylar and 7 copies of maps for signature.

PUBLIC HEARING-continuation - RANDOLPH & EARL ROBINSON – SUBDIVISION

Jennifer Crawford 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. The property is located off Greene Lake Road. Ms. Crawford addressed this by quoting, in part, Town Code Section 174-70 which she interprets to mean that since the lot /parcel will not be used at this time (improved), there is no requirement to actually construct the right-of-way. Much discussion occurred regarding the easement vs. right of way definition. Ms. Crawford, on the advice of Attorney Rappleyea, referred to CEO Ed Pebler for an interpretation of the law, and he agreed that a road would not have to be constructed. Member Nathan Tailleir could not be present but asked that his comments be shared as follows: *“Where we left the matter of the Robinson subdivision at the last meeting, we had conditioned the subdivision on the installation of a driveway as the code (in our understanding) required. As Tal said at that meeting, this set up a legal disagreement which could be settled in court if Crawford & Associates decided to bring suit. In an email exchange shared with the board via email today Jennifer Crawford wrote, in a message to CEO Pebler ‘ the Town Attorney has suggested that I request a zoning law “interpretation” from you as the Town of Coxsackie CEO.’ I wanted to respectfully request that Tal, as our attorney, please refrain from giving legal advice directly to applicants coming in front of the board. Ms. Crawford has said in the past that Crawford and Associates has its own attorneys, and I see no reason to create an appearance of a conflict of interest by advising her directly.”* Attorney Rappleyea respectfully disagreed, as he feels that this is his role as the Town Attorney to inform applicants of the procedures. Chairman Haeussler asked to go on record in agreement with Attorney Rappleyea. During public input, the clarification of right of way vs. easement was delineated. Joe Garland asked if there was a plan to make the parcel an access point to the planned solar. Ms. Crawford had submitted to the Board the agreed upon language for the deed stating that no solar traffic would be permitted through the easement. Randy Robinson, landowner reiterated that there is no intention to build a road and wants to make sure that this will not be a problem in the future. Chairman Haeussler said as the landowner, he has that right, and if he decided to do that in the future, he would have to go before the Board for approval. Mr. Patrick Doyle of Flint Mine Solar also stated that this land will not be used as an access point. A motion to close the public hearing was made by Bill Whitbeck and seconded by Frank Gerrain and was so moved. Attorney Tal Rappleyea read the SEAF questions for Part 2. All answers were negative. A motion to declare a negative declaration was made by Frank Gerrain and seconded by Bruce Haeussler. All were in favor. A motion to approve the subdivision, with language in the deed in regard to the easement, was made by Bruce Haeussler and seconded by Frank Gerrain. Joe Garland abstained from the vote. All others were in favor.

OLD BUSINESS

HATCHET HARDWARE

Mr. Pieter Wolfe submitted updated site plans for the Hardware Store being constructed on Rte. 9W. The site plan had already been approved based on the site plan application submitted in 2014 (Matt's Honda), so the new plans have been submitted. Frank Gerrain asked about the parking. There are the same number of parking spaces as previously submitted. In addition, the Board discussed the sign permit application. The sign will be LED but will not have movement. A motion to accept the new drawings, and the sign permit application was made by Joe Garland and seconded by Bill Whitbeck. The motion passed unanimously. Chairman Haeussler suggested that Mr. Wolfe check with DOT to make sure the placement is correct. It was agreed that a fee of \$200 for the sign permit would be appropriate based on the Town fee schedule. Mr. Wolfe asked if the Lick's Ice Cream truck would need to come back to the Planning Board for next year. Mr. Masse needs to make sure he has paid his fees for a peddler's permit and should not have to come back before the Board.

NEW BUSINESS

DONALD AND NANCY SMITH – SUBDIVISION

Jennifer Crawford of Crawford & Associates Engineering presented a proposal for a subdivision of land located at 987 Rte. 49, Coxsackie. The subdivision would divide parcel 70.00-4-21 into 2 lots of 37.48 and 4.22 acres respectively. An area variance was granted by the ZBA because the minimum lot area is 5 acres, and the second lot would be just under the requirement. The lot is already "cut off" by the National Grid power lines to the east and Green Lake Road to the north. Landowner Donald Smith explained that the only reason he wanted to subdivide his land was for public safety. The road is very curvy all along his land, and this would be the safest access for the proposed solar project. A motion to schedule a public hearing for Thursday, April 6 was made by Frank Gerrain and seconded by Joe Garland. All were in favor.

MIKE BUJALA – DATA PROCESSING CENTER

Mr. Bujala and his partner are in the process of renovating one of the buildings (3) on the site of the old Ducommon property for use as a data processing center. He has had conversations with Supervisor Rick Hanse and came before the Board as a preliminary step to starting a business there. There are 3 buildings on site, but he will start with building 3, with the hopes of eventually renovating buildings 1 & 2 for tenants of other businesses. He has been working with Central Hudson and sound engineers and has obtained electric permits, etc. He stated that he thought that he had already applied for a building permit. His intent is to have clients for data processing as well as crypto-currency mining and is aware of the problem with noise and electrical drainage that had occurred previously. He was advised to apply for a site-plan review. An application will be e-mailed to him. Frank Gerrain advised him to look at Zoning 201 Attachment 2 for permitted uses in an Industrial Zone.

HARRY & WILLIAM ALBRIGHT- LOT LINE ADJUSTMENT

Danielle Misuraca, niece/granddaughter of the landowners presented drawings of the property located on Route 81, Coxsackie. She provided a stamped letter from the landowners agreeing to subdividing/adjusting the lot-line to create a parcel to be given to Ms. Misuraca. Chairman Haeussler asked that the map be adjusted to indicate the measurement of the road frontage of the new lot. A motion to wave the public hearing was made by Joe Garland and seconded by JoAnne Conway. All were

in favor. The applicants will need to fill out a lot-line application form and submit 7 sets of drawings and 1 mylar for signatures.

ADJOURNMENT

A motion was made by Bruce Haeussler and seconded by Joe Garland to adjourn the meeting at 8:20pm. The motion was accepted unanimously.

RESPECTFULLY SUBMITTED,

Patricia McIntyre, Secretary