

Village of Coxsackie
Planning Board Minutes – March 17, 2022

Attendance: Bob VanValkenburg
Rodney Levine
Jarrett Lane

Deidre Meier
Pat Maxwell

1. **Regular Meeting:** Called to order at 6:09 PM by Chair Bob VanValkenburg. Kevin Schwenzfeier, Planner was present as our consultant from Delaware Engineering.
2. **Approval of Minutes:** A motion was made by Rodney Levine and seconded by Jarrett Lane to approve the minutes from February 17, 2021. Motion carried unanimously.
3. **New Business:**
 - A. **James Newbury Hotel** – it had been brought to the attention of the Planning Board and Village Board of Trustees that the hotel exceeded Village Code height requirements of 50’ for the Village Center Zoning District, and, therefore, was not in compliance with the amended site plan application as approved by the Planning Board in 2019. Many members of the public attended the meeting to express their concerns regarding the height violation and its impact on homeowners’ river views. They also wanted clarification of the Planning Board’s process in approving such an application, as well as the interaction between the Planning Board, Code Enforcement Officer, and the Village Board of Trustees in approving, monitoring, and responsibilities for seeing that development proceeds in accordance with the site plan.
Before the discussion was opened to the public, Bob VanValkenburg outlined the Planning Board responsibilities in approving an application: sketch plan conference, review for compliance with Code Section 155-64 checklist and any additional concerns, approval as significantly complete for purposes of scheduling a public hearing, said hearing, SEQR review and sign off, final approval with or without stipulation, stamped and signed plans being filed at the Village Office and a copy forwarded to the Code Enforcement Officer “(CEO)”. After the Planning Board completes its approval process, it’s the CEO’s responsibility to ensure that building is concurrent with the approved plan, with the requirement that the Planning Board be notified of any changes to the plan by either the CEO or the building owner.
Following Bob’s comments, the meeting was opened for public comment, which continued until the comment period was closed at 7:30 PM. See public comment details attached.
4. **Old Business –**
 - A. **UMH Site Plan Application** – still pending.
 - B. **Municipal law regulating trash removal** – still under discussion.
 - C. **Short Term Rentals** – No updates from the Village Board on our recommendation made in August 2021.
 - D. **Reed Street Vacant Lots** – no updates.
 - E. **South River Street Redevelopment** – No updates.
 - F. **Review of fencing** – final review tabled for a future meeting.
 - G. **Review of Town of Coxsackie draft solar regulations** – tabled for a future meeting.
 - H. **Review of Chapter 155 – Zoning** – tabled for a future meeting.
8. **Other:**
 - I. **Public Comment** – See the above.
 - J. **Correspondence** – None.
 - K. **No other business** was brought before the Board. Meeting adjourned at 7:35 PM in a motion made by Deidre Meier and seconded by Jarrett Lane. Motion carried unanimously.
 - L. **Our next regular meeting** is scheduled for April 21, 2022, at 6:00 PM.

Respectfully submitted, Patricia H. Maxwell, Secretary

Public Comments from Planning Board meeting of March 17, 2022:

1. **RE Schmollinge** –
 - A. What was the site plan status, including parking and how it was determined to be adequate for 600 people?
 - B. Was there a profitability study done to determine if hotel occupancy was adequate for a positive return?
 - C. Noted the overlapping jurisdictions of the Board of Trustees, Planning Board and Code Enforcement and the possibility of one complete Board that covered everything.

Aaron Flach's Response – there was confusion over the 5,000-person event scheduled for May 2022 and the project itself. The event was premature and has been canceled/postponed for the benefit of the Village and to get Planning Board and CEO input for traffic, parking, etc. for any such future events.
2. **Nancy Harm** – stated that she had attended two public hearings related to the site plan application on 3/21/2019 and 6/20/2019 because of concerns regarding lighting, parking, and sidewalks.
3. **Veronica Foley** –
 - A. Raised concerns about the proposed event and asked for clarification of approval processes in place for such occurrences.
 - B. Hotel – are there changes in the current footprint vs. the originally approved plan?

Bob VanValkenburg Response –

 - A. The Village Code doesn't currently provide for large events on private property, only public events.
 - B. No site plans for the current hotel build have been provided to the Planning Board at this time.
4. **Katie Higgins** –
 - A. Suggested that the timeline for parking/traffic studies for large events can be part of the new Planning Board review.
 - B. Recommended a public meeting with the Village Board, Planning Board and CEO in attendance for discussion of the concerns being raised and the process for addressing them.

Bob VanValkenburg Response – he will reach out to the Mayor to request such a panel for a public meeting.
5. **Nathan Tailleir** – Suggested better Planning Board/CEO coordination to prevent future project issues such as the hotel from recurring.
6. **Mark Deubert** – Requested a stop work order be put in place for the hotel project since the buildout was in violation of the approved site plan application.

Bob VanValkenburg Response – only the CEO has the authority to issue a stop work order.
7. **Steve Hanse (Village Trustee)**– Asked Aaron Flach if he had ignored the approved plans for the hotel when the fifth story was added.

Aaron Flach Response – over the course of Covid, changes in the plans got lost in translation.
8. **Denise Warren** – were surveys and drawings done to show sidewalks, etc.?

Bob Van Valkenburg Response – the approved original and amended site plans for the project were available for viewing at the front table. Those included parking, project layout with sidewalks, landscaping, etc.
9. **Barry Jacobs** – If a zoning variance for the hotel height exceeding Village Center code requirements was denied, would it set precedence for future projects such as his for Reed Street for issues related to building, traffic, etc.?
10. **Katie Higgins** – For projects, who's responsible for traffic studies and other issues related to the project?
11. **Bob VanValkenburg Response** –
 - A. Zoning Board ("ZBA") variance reviews are done on a case-by-case basis. Reaffirmed by Kevin Schwenzfeier, Planner and Consultant from Delaware Engineering. Variances are usually granted before a CEO can issue a building permit. The CEO alerts the ZBA of the need for an area or use variance, and an application is submitted by the builder.
 - B. Traffic studies are reviewed by the Planning Board.

Kevin Schwenzfeier Response - traffic studies are not done by Delaware Engineering; Mala separate firm would be hired for this.
12. **Julian Gunderson** – voiced his concern over lack of authorized parking on South River Street.
13. **Becky Vermilyea** – stated that parking was prohibited so that trucks could make the turn from lower New Street onto South River Street.

14. **Bob VanValkenburg** – traffic concerns are addressed in the SEQR process as well as site plan review.
15. **Malcom Travelstead** – The Village, CEO and Planning Board’s responsibility to adequately address these concerns.
16. **Susan Baldassare** – thanked Aaron Flach for coming and answering questions in a difficult venue, and for postponing the proposed 5,000-person event in May 2022. Asked again what the Village Code said about large events being held.
Bob VanValkenburg – referred to Village Code chapters 97 (Group activities in public parks and playgrounds) and 115 (sales and displays outdoors, special events). Both refer to regulated events but are vague and limited in scope.
17. **Anna Tailleir** – commented that the process for resolving the issue of the hotel height should be open and transparent during its review and in proposing remedies, especially given the potential for lawsuits.
18. **RE Schmollinge** – asked if work on the 60 South River Street will be continued.
19. **Bob VanValkenburg** – stop work orders are the responsibility of the CEO; the Planning Board has no authority in the matter.
20. **Denise Warren** – asked why the Planning Board didn’t notice the hotel height as being nonconforming and reiterated that the CEO and Planning Board need to work together.
21. **Bob VanValkenburg** – the Planning Board doesn’t monitor a project once approval is granted. That is the CEO’s responsibility. He also stated that there should be better coordination going forward.
22. **Katie Higgins** – viewed the public concern as not intending to throw obstacles in A. Flach’s way or to cause the spinning of wheels for the Planning Board. Speaking as a voice of reason and looking for a resolution that was efficient and taking up the least amount of time.
23. **Bob VanValkenburg** agreed that that would be a reasonable approach.
24. **Katlyn Irwin (Village Trustee)** – confirmed that it was the Village Board’s responsibility to have the CEO attend this meeting, and it was a shortcoming that they had failed to do this. Also stated that it did no good to play the blame game, but we should move forward with a plan to resolve the issue.
25. **Mark Deubert** – commented that no favoritism or acquiescence should be shown A. Flach; that he should have the same consequences for deviations from approved plans as other contractors in the area. Reiterated his request for a stop work order.
26. **Becky Vermilyea (Village Trustee)** – stated that a mistake had been made and we should move forward in the best way possible. Asked if perhaps there was jealousy in some of the comments. Stated that the Flach family had done a lot for the Village of Cossackie over the years. No personal grudges should be part of the larger venue.
27. **Mr. VanHausen** – stated that the Planning Board had done a good job, that change happens and creates issues. Asked we be aware that Cossackie was more than just the downtown, and all involved should be looking at the Village and Town as a whole.
28. **Karen Gunderson** – questioned the Dolan Block and stated that there were discrepancies with it; the entire project encompassing the South River Street Redevelopment should be reviewed for errors, not just the hotel.
29. **Sarah Gray Miller** – asked if there was a timeline for the submission of the updated site plans.
Bob VanValkenburg Response – a request has already been submitted to A. Flach to have the plans submitted as soon as possible.
Aaron Flach Response – his engineers are already working on it.
30. **Ken Martin, Former Architect for A. Flach** – all plans submitted by A. Flach have already been stamped by an Engineer and Architect.
Bob VanValkenburg – Explained that there was confusion between the CEO approval of a building permit vs. the Planning Board approved site plan applications. The Planning Board hasn’t approved, signed, and stamped any plans since the amended application to include Patrick Henry’s in the overall project was approved.
31. **Katlyn Irwin** – stated that the Mayor and the Village CEO should have been here. But the issue can’t be a blame game. The mistake has happened, and we need to move forward to resolve it. It has also shed light on the transition we are currently in as a Village involving more rapid growth and development than before. We can’t use it as an excuse for what has happened, but as a catalyst for developing a better approach to planning our growth.
32. **Bob VanValkenburg** – agreed that we need to find an equitable path forward.

- 33. Coleen and Wayne West** – as an Ely Street resident she is concerned about noise and understands her neighbors' concerns about views being blocked. She stated that the Mayor threw the Planning Board under the bus at the Village Board meeting the previous Monday. She said she feels duped. Wayne West concurred.
- 34. Bob VanValkenburg** – thanked everyone for coming and for their interest and concerns and stated that a future step would be a joint meeting, as suggested, among the Village Board of Trustees, the CEO, Planning Board, and the public. This would occur once revised site plan reflecting the current build out of the 52-60 South River Street properties was received by the Village and reviewed for inconsistencies with the originally approved plans.