**VILLAGE OF COXSACKIE**

**BOARD MINUTES**

**September 12, 2022**

Mayor Mark Evans called the Board Meeting to order at 7:00 p.m. Present were Trustee Donald Daoust, Trustee Stephen Hanse, Trustee Katlyn Irwin and Trustee Rebecca Vermilyea.

A motion to approve the minutes from the August 4, 2022 Workshop Meeting was made by Trustee Daoust and seconded by Trustee Vermilyea. Mayor Evans voted yes. Trustee Daoust voted yes. Trustee Vermilyea voted yes. Trustee Hanse and Trustee Irwin abstained. The motion carried.

A motion to approve the minutes from the August 8, 2022 Local Law #5 of 2022 Public Hearing was made by Trustee Vermilyea and seconded by Trustee Daoust. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. Trustee Hanse abstained. The motion carried.

A motion to approve the minutes from the August 8, 2022 Board Meeting was made by Trustee Vermilyea and seconded by Trustee Irwin. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. Trustee Hanse abstained. The motion carried.

**Public Comment-Agenda Items Only**Veronica Foley asked if the Board could give more clarification on item #8 on the agenda, which is the UMH Stipulation for Annexation.

Mayor Evans stated that when the Board gets to that on the agenda they will certainly have Village counsel explain the details.

**Correspondence Received**

A letter was received from Angela Hughes resigning as Crossing Guard.

An email was received from Veronica Foley regarding the old American Valve property.

An email was received from Veronica Foley regarding community needs and the NY Forward Program.

**Liaisons & Board Reports**

Mayor Evans stated that the Village Board will dispense with the reading of the monthly department head reports, but that all monthly reports are on file with the Village Clerk.
 **Motions & Resolutions**

A motion to approve the request received from Ben & Sandra Harrison asking for a penalty in the amount of $28.83 to be waived from their water/sewer account was made by Trustee Daoust and seconded by Trustee Vermilyea. Trustee Daoust voted yes. Trustee Hanse voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the request received from Judy Tauber of The Tessler Team of Keller Williams Hudson Valley Realty, on behalf of Elm Street Coxsackie LLC, asking for penalties in the amount of $84.40 and $133.35 to be waived from two of their water/sewer accounts was made by Trustee Daoust and seconded by Trustee Vermilyea. Trustee Daoust voted yes. Trustee Hanse voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve accepting Angela Hughes’ resignation as Crossing Guard was made by Trustee Daoust and seconded by Trustee Vermilyea. Trustee Daoust voted yes. Trustee Hanse voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve hiring Chris Vieta as Crossing Guard was made by Trustee Daoust and seconded by Trustee Vermilyea. Trustee Daoust voted yes. Trustee Hanse voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve appointing Richard Mirando as Fire Police Officer was made by Trustee Daoust and seconded by Trustee Vermilyea. Trustee Daoust voted yes. Trustee Hanse voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve moving the October Board Meeting date to Tuesday, October 11, 2022 at 7:00 p.m. was made by Trustee Daoust and seconded by Trustee Vermilyea. Trustee Daoust voted yes. Trustee Hanse voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. The motion carried.

A roll call vote was taken on Resolution No. 112022-For Acquiring American Rescue Plan Act (ARPA) Funds from Greene County for the Purpose of Replacing Water Lines on Ely St. Mayor Evans voted yes. Trustee Daoust voted yes. Trustee Hanse voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. The resolution passed.

Village Attorney, Robert Stout, stated that before the Board acts on the UMH Stipulation for Annexation, he would like to give an overview. UMH has applied for advancing applications for a revised Mountain View Estates project. The history of the project goes back a long time. In 2009 a State Environmental Quality Review Act (SEQRA) findings statement was issued based on the Environmental Impact Statement (EIS) that was requested by this Board at the time as SEQRA Lead Agency. The current iteration of the project is larger, calls for more units, and also relies on property that is not located within the village. So, there are a series of approvals that UMH is seeking. One of which would be annexation to acquire that property that is located in the town, in order to bring that property into the village. They also will be seeking amended approvals from the Planning Board and variance relief from the Zoning Board of Appeals. This actually might be a good time to allow UMH, who is here tonight, to discuss the nature of the project, and what it is they’re proposing. After that, we can further discuss the procedural aspects of what the Board will be looking at tonight such as the SEQRA review and the consideration of the Stipulation, which deals with both SEQRA and the process for annexation.

Andrew Gilchrist, Project Attorney for UMH, stated that he would like to have Gregg Ursprung, Project Engineer for UMH, give a presentation on the current proposed project which will be called Mountain View Estates. As the Village Attorney stated, UMH will be going through some procedural issues given the current proposal having a portion of the project site located in the town of Coxsackie.

Gregg Urpsrung, of Bergman Associates, stated that he is the Project Engineer for this project. He said that he would just like to give a brief overview of what is being proposed. UMH is proposing 360 units on a 185-acre parcel. As the municipal boundaries stand right now, there are 284 homes in the Village section, and 76 homes in the Town section. Eventually those 76 homes will be in the Village assuming that the annexation goes through. The developed area will be approximately 85 acres, with a habitat reserve area with a 1:1 required ratio, of equal parts developed compared to habitat. The homes will range in size from 2,000 square feet to 2,500 square feet. They are manufactured homes that will be put on permanent concrete foundations. Some of the homes will be provided with one car garages, some will be two car garages, and others will not have garages. Access will be provided at a couple of locations. They will be located on Van Dyck Street and River Road. They are looking to have those be gated entrances, so that residents will access via a card to get in and out. The project will include several amenities. There will be a welcome and education center, a 6,000 square foot clubhouse with two stories, playgrounds, a swimming pool, multiple recreation areas throughout the site, a basketball court, a multi-use trail that can be used by pedestrians around the perimeter of the development, a horse barn and paddock areas to keep horses, a boat and trailer storage area, and a 1,500 square foot maintenance garage. That is the basic overview of the main project, but it will also include some offsite improvements. They are looking to replace the 6” water main that runs down Van Dyck Street with a new 8” water main. That would run from the corner of Mansion Street/Van Dyck Street to the project site. That should really improve the water service in that area. Also, they are looking to add sidewalks at least on one side of Van Dyck Street. They may have to switch sides due to constraints, but the plan is to provide it for the full length of 2,000 feet from the project site towards Mansion Street, as well as the project site to Lafayette Avenue. After the installation of the water line, they plan to mill and pave Van Dyck Street from the intersection with Mansion Street down to the project site. The only other improvement would be to make a sewer connection for the project, including any upgrades to the pump stations that may be needed, to accept the addition flow.

Mayor Evans stated that the pump stations have already been upgraded.

Gregg Ursprung stated that with some of the zoning requirements of Chapter 87 of the Village Code, they will need to apply for some variances. One of the requirements is having a minimum lot size of 10,000 square feet. Currently, they have 69 lots that are less than that 10,000 square foot minimum. So, they will be looking for a variance on that. The maximum building lot coverage is 25%. They will potentially have a 2,000 square foot home on a 7,000 square foot lot. That will put them around a 29% building lot coverage. Then there is a requirement for a minimum of 20-foot offset from paved surfaces including roadways and sidewalks. In some instances, the offset is only 10 feet to the sidewalk, but they keep the requirement for the road. So, they would need a variance on that as well. Lastly, there is some confusion on a requirement of a 20-foot minimum building separation to improving accessory structures, fencing, and driveway. What is confusing is the 20-foot separation from the driveway. They would need some clarification on that, and, if needed, a variance as well. That really covers his overview of the project. If anyone has any questions, he would be happy to answer them.

Trustee Vermilyea asked about UMH’s plans to mitigate water runoff.

Gregg Ursprung stated that they have plans for stormwater management. They have a number of stormwater management ponds in and around the site. They will meet all of the NYS DEC requirements with respect to the quantity, as well as the quality of runoff from the site.

Trustee Hanse asked if UMH’s plans is to make it a gated community.

Gregg Ursprung stated that that is what they are looking to do. The gated entrances would be controlled with a card, or something like that, by the residents.

Trustee Hanse asked who would maintain the streets in the winter.

Gregg Ursprung stated that all of the utilities and streets would be private. So, UMH would maintain them.

Trustee Hanse asked if he was correct in understanding that the houses would be purchased, but UMH would own the land.

Gregg Ursprung stated that that is correct.

Trustee Hanse asked if there was an option to own the property that the house sits on.

Gregg Ursprung stated that there is no option like that currently.

Trustee Hanse asked what kind of foundation the homes will have.

Gregg Ursprung stated that it will be a slab foundation. Sometimes there may be masonry walls around the perimeter.

Trustee Daoust asked if there would be any rental properties.

Gregg Ursprung stated that there wouldn’t be any rental properties to his knowledge. His understanding is that UMH will be looking for residents of the community to buy their home, and then lease the land.

Trustee Irwin asked if UMH has an estimate at this time of what the average cost per home would be.

Gregg Ursprung stated that he does not have that information at this time.

Trustee Irwin asked if it is still going to be marketed as affordable housing.

Gregg Ursprung stated that UMH believes that their housing would be considered more affordable than others, but he doesn’t know if it fits the definition of affordable housing.

Trustee Daoust asked if during construction if there will be a construction road off of Lawrence Avenue.

Gregg Ursprung stated that he believes it will be Van Dyck Street, hence why they plan to mill and fill the street afterwards.

Trustee Irwin asked if someone wanted to go online and look at an example of something that UMH has done before that will look similar to this development, where should they look.

Gregg Ursprung stated that people can visit [www.umh.com](http://www.umh.com) .

Trustee Irwin stated that she has visited the website, but she is wondering if there is a community that is similar to what is being envisioned here in Coxsackie.

Gregg Ursprung stated that he does not know of one off the top of his head, but he can certainly provide that information at a later date so that the Board can take a look at it.

Mary McGuigan asked if the community will still be for ages 55 and older.

Gregg Ursprung stated that the community is for all ages.

Mary McGuigan stated that there could be a large potential impact on the school system. She asked if UMH knows what the depreciable life of these homes are.

Gregg Ursprung stated that he does not know.

John Benson asked if the Wastewater pump station upgrades was part of the Wastewater Treatment Plant upgrade project, and who it was funded by.

Mayor Evans stated that it was part of the Village’s overall upgrade project.

John Benson asked if UMH is proposing something additional to what was already upgraded.

Mayor Evans stated that there is nothing additional to be done.

John Benson asked where the construction staging areas will be and if they will impact the surrounding neighbors.

Gregg Ursprung stated that all construction staging areas will be onsite.

Veronica Foley asked if UMH could provide concrete numbers of how many homes were originally planned, and how many homes are planned now.

Gregg Ursprung stated that the original SEQR process was based on 280 units. That is what they have done all of the Environmental Impact studies based on. There were subsequent proposals with somewhat less units. At one point, it was 253 units. So, there were a number of different submissions that were made to the Village over that period.

Veronica Foley asked if the annexation is approved, but every single variance that UMH is applying for is denied, what is the number of homes that would then be allowed in the space.

Gregg Ursprung stated that they have not figured out that number.

Veronica Foley asked if she is correct in understanding that UMH is essentially looking to put bigger homes, on smaller lots, on more land.

Gregg Ursprung stated that it is really about consolidating the development so that they can provide the open space ratio requirement for the habitat.

Veronica Foley stated that she thinks there is a general concern in the community about the increase in population. There are also infrastructure concerns, as well as concern of an increase in population for schools. It is about a 35% increase in the village’s population if it is all to be included in the village. So, if at any point UMH could specify the number of homes that they anticipate would not be built if the variances are not allowed, she thinks that would be helpful for the public to understand.

Mayor Evans stated that he had a meeting regarding a separate matter with the School Superintendent a couple of weeks ago, and they got talking about the school census. Over the last 10 years the district has lost between 350-400 students. In talking about impact to the school, his feeling is that it would not have any tangible effect on the school.

Attorney Robert Stout stated that where this left off in 2009 was a finding statement that was issued by this Board in respect to the project that was fairly different than what is being proposed now. So, the first step in the process would be to reestablish a SEQRA Lead Agency in order to manage and oversee the process. Such that, if this Board would declare its intent to be SEQRA Lead Agency tonight, it would commence a circulation period where the Board would circulate that Notice of Intent to other interested and involved agencies, to let them know that it is the Board’s intent to reestablish yourselves as Lead Agency and allow them the opportunity to object to that. If 30 days pass, and they do not object to that, then this Board can then establish itself as Lead Agency for SEQRA purposes. With respect to the UMH Stipulation for Annexation that is on the agenda tonight, UMH kicked off this process in part by submitting an Annexation Petition to both the Village and the Town. There’s a need to harmonize the provisions of the annexation law GML Article 17. There are some automatic timeframes that apply under the annexation law in terms of when a Public Hearing has to be held, and when decisions have to be made relative to the closure of that Public Hearing. This Board, under SEQRA, can’t make any determinations until SEQRA has been completed. So, all parties agreed that it makes sense for everyone involved at this point, to essentially pause the annexation process to allow SEQRA to be complied with. Specifically, with this agreement, the parties agree that the Public Hearing required under Article 17 under the annexation law, will not be held until the further SEQRA procedure is completed. That is either a Negative Declaration under SEQRA has been adopted by the Lead Agency, or a supplemental Draft Environmental Impact Statement (DEIS) has been accepted as complete by the Lead Agency. In fact, under the Consent Decree with UMH, the supplemental EIS is specifically contemplated to address the changes in circumstances from the last 12-13 years, as well as the incremental changes in the project. So, the Stipulation essentially puts the annexation process on hold, until this Board gets to a point under SEQRA where it can proceed.

Andrew Gilchrist stated that he would like to request that the UMH Stipulation for Annexation be allowed to be signed electronically.

Attorney Robert Stout stated that electronically is fine and that he will be signing as counsel on the Village’s behalf.

A roll call vote was taken on the approval of the United Mobile Homes (UMH) Stipulation for Annexation. Mayor Evans voted yes. Trustee Daoust voted yes. Trustee Hanse voted yes. Trustee Irwin voted yes. Trustee Vermilyea abstained. The motion carried.

A motion to approve the Village Board to act as Lead Agency for the purpose of conducting SEQRA for the United Mobile Homes (UMH) project was made by Mayor Evans and seconded by Trustee Daoust. Trustee Daoust voted yes. Trustee Hanse voted yes. Trustee Irwin voted yes. Trustee Vermilyea abstained. The motion carried.

A motion to approve a raise of $4.00/hour for Water Plant Operator Joseph Mann was made by Mayor Evans and seconded by Trustee Irwin. Trustee Daoust voted yes. Trustee Hanse voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve water/sewer adjustments from August 1-31, 2022 was made by Trustee Daoust and seconded by Trustee Hanse. Trustee Daoust voted yes. Trustee Hanse voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the bills on General Fund Abstract #4, vouchers 181-272 totaling $240,918.61; Water Fund Abstract #4, vouchers 92-147 totaling $ 240,745.15; Sewer Fund Abstract #4, vouchers 67-106 totaling $ 131,486.11; Capital Projects Fund Abstract #4, voucher 3 totaling $ 27,174.14; Trust & Agency Fund Abstract #4, vouchers 5-7 totaling $ 4,895.55 was made by Trustee Irwin and seconded by Trustee Hanse. Trustee Daoust voted yes. Trustee Hanse voted yes. Trustee Irwin voted yest. Trustee Vermilyea voted yes. The motion carried.

**Public Comment Period**

Trustee Hanse stated that he would just like to recognize the Village’s Highway Department. They are doing a great job. He thinks the sidewalks look great, and the Superintendent’s coordination with other Highway Departments is a great thing.

Mayor Evans stated that they have been doing a great job. The sidewalks on Sunset Boulevard have finally gotten done. That was actually a project from last summer that did not get finished. The sidewalks look good, and the street paving went well. One thing he would like to note is about the kayak docks down at the boat launch. NYS was starting to rearrange them because they did not like the way they were set up. He brought to their attention that the one dock was way too shaky. So, they disconnected the one piece, took it away, and they had another piece that they were waiting on a new connection for to hook into the other side. In the meantime, the wave action on those single bars caused the one bar to break off, and the one section of dock was nearly floating away on Sunday. The ramp down to those docks dropped down onto the ground and depending on the tide was half in the water. The mount for the other section of docks, which was just tied up there for now, that weld is breaking off at the bulkhead. So, he got in touch with someone from NYS Parks last night, and they came down first thing this morning and made a decision to just pull them for the moment, until they can get the proper stuff to hook them back up and make them safe. They were just all over the place. So, that is why they are out, and you see them pulled up onto the parking lot, but he doesn’t know what the timeframe is for getting them restored. Hopefully very soon. The Village does have that new kayak launch, which we tried to put in, but with the way the docks are it was decided to not install it at the moment.

John Benson asked if the kayak launch will be put in before the end of the season.

Mayor Evans stated that he does not know. There is a whole other section of docks for the lower docks, that have been anchored down in the old ferry slip down by the hotel. They have been anchored down there all summer because they can’t get the mount to marry those two sections of docks together. So, if they don’t get the mount anytime soon, those are just going to end up coming out until next summer. He doesn’t know if it was low bidder or what, but the docks they put in were cheap compared to the existing ones. The existing ones are pretty stable. These ones that they put in are all over the place. It seems like the floats are not big enough.

Veronica Foley stated that if the Village is established as Lead Agency for the UMH project, she is curious how it works if the votes need to be held since Trustee Vermilyea has to recuse herself since she owns stock in UMH. She asked if Trustee Vermilyea could participate in any of the conversations.

Attorney Robert Stout stated that it is the Trustee’s decision to recuse herself from any conversation or vote on the matter. There would still obviously need to be a quorum for the Board to act on a matter, so for all things related to UMH it would be a 4-member Board essentially. So, there would be a potential for a tie, but the Board would just need to take that into consideration. This is a Village Board, not a Planning Board or ZBA where there is an alternate member that could substitute.

Mary McGuigan asked if there was any update on the status of getting any permanent restrooms at the 14 South River Street building near Riverside Park.

Mayor Evans stated that the plan for restrooms is part of the NY Forward grant that the Village is applying for. Elan Planning has been moving forward with meeting with different groups and trying to put the information together. In fact, there is an online survey happening this week, where residents can go in and comment on all of the different proposals. He would just note to everybody that when you go in and look at it, there are a lot of proposals, but all that they are is proposals. If the Village were to get this grant, the whole process starts over. So, the Village can put in for all of these things that they want, then the state looks at it, says ok, and how much they will award, but that doesn’t mean that they are going to give you money for every one of the projects that you put in for. The process kind of starts over, and they choose to a large degree what they are going to fund. So, you kind of have to throw everything and the kitchen sink in in order for the best chance to get some money.

Mary McGuigan asked if the Village doesn’t get awarded the grant, if there is any alternate plan to fund getting restrooms down there.

Mayor Evans stated that this will be the third time that the Village has sought funding for it. The Village Board always has the option to Bond the work, but it is probably a million dollars to completely restore that building. There is no plumbing or heating in that building, and it needs some extensive work to the structure. He feels that after losing out on the DRI last time, that the Village has an excellent shot at being awarded the grant. The NY Forward grant is designed for smaller villages, and there is a lot of money. That is one of the reasons they said that you really need to apply this year. The Village is going to be in competition, but he thinks the chances are much better this year. This is more designed for communities like ours.

Veronica Foley stated that she was here during the period that was supposed to be the Workshop Meeting that started at 5:30 p.m. She left work early to make sure that she could be here for the meeting, and when she arrived it was a closed Executive Session. She would ask that in the future, if there is going to be an Executive Session, if that could please be shared on either Facebook or the website. It would be appreciated. She sat in the Board Room until 6:45 p.m. when everybody returned. She makes an effort to be at as many of the public meetings that she can, so that notice would have been useful to her. She said that in the past she had asked the question of the Village’s responsibility in the Consent Decree with UMH to approve, not only the annexation, but any of the variances or applications that UMH will be applying for. The answer that she was given was that the Village is not beholden to any outcome of the procedures. So, the Village is not beholden to say that they are not going to give a negative declaration, or not beholden to approve every single variance request. She was hoping that since the Village Attorney is here tonight, that he could elaborate on if the Village were to say no to 2 of the 3 variances, does that mean that the Village goes back on the docket for trial? The project has changed so much so that even the issue of affordability may not be what the Village is dealing with. Her understanding is that the allegation was that the Village was violating the Fair Housing Act. If UMH is no longer talking about affordable housing, is the Village even bound to that Consent Decree, and to what extent?

Attorney Robert Stout stated that frankly that issue hasn’t been looked at because this information was just shared tonight. With respect to your first question, the Village is not beholden to any particular outcome. It can’t be. Hypothetically speaking, if a handful of variances were denied for whatever reason, he thinks UMH would be faced with a decision of whether or not they are going to redesign their project accordingly around those denials or seek to reinstate the litigation. If they made the decision to reinstate the litigation, they would have to return the settlement amount to the Village.

Veronica Foley asked if that were to happen, the Village would expect to go to court.

Attorney Robert Stout stated that the Village would essentially be put into the place that we were before the Consent Decree was entered into.

Veronica Foley stated that she really is curious if the residents can get more detail about how much the homes will be, and if they can be classified as affordable housing. If not, and the Village can wiggle out of that Consent Decree, that doesn’t sound like a bad move.

No further public comments were offered.

A motion to adjourn the Board meeting was made by Trustee Daoust and seconded by Trustee Vermilyea. Trustee Daoust voted yes. Trustee Hanse voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. The motion carried.

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Nikki Bereznak
Clerk