**VILLAGE OF COXSACKIE**

**PLANNING BOARD MINUTES**

**September 15, 2022**

Chairman Robert Van Valkenburg, Jr. called the Planning Board Meeting to order at 6:00 p.m. Present were Planning Board Members: Jarret Lane, Patricia Maxwell and Deidre Meier. Rodney Levine was absent.

A motion to approve the minutes from the August 18, 2022 Planning Board Meeting was tabled until the next meeting due to a lack of eligible votes.

A motion to approve the minutes from the August 29, 2022 Planning Board and Zoning Board of Appeals Joint Public Hearing on Empire Riverfront Ventures, LLC was made by Deidre Meier and seconded by Patricia Maxwell. Chairman Van Valkenburg, Jr. voted yes. Jarrett Lane voted yes. Patricia Maxwell voted yes. Deidre Meier voted yes. The motion carried.

**Correspondence Received**

Letters of public support regarding Empire Riverfront Ventures, LLC were received by the following: Roberta Hulbert, Brittney Brockett, Racine Wallace, Kayla Ortiz, Joanne Riley, Edward Bloomer, Owner of Kuxakee Property LLC, Richard Golden, Samantha Pigeon, Barbara Beaumont, Victoria Connolly, Wendy Flannery, T. Lennon, Leslie Copleston, Jeremy Copleston, Dani Minnick, Shole Minnick, Marie DeFrancesco, Donna Williams, Danielle Kusminsky of New Moon Beauty Studio, LLC, Jennie Heyward of New Moon Beauty Studio, LLC, Chelsea Youmans of New Moon Beauty Studio, LLC, Nicole Orso of New Moon Beauty Studio, LLC, Aviana Robles of New Moon Beauty Studio, LLC, Katelynn Kipp of New Moon Beauty Studio, LLC, Stephanie VanAlstyne of New Moon Beauty Studio, LLC, Averi Comfort of New Moon Beauty Studio, LLC, Lorraine Ferrara, Charles Schaefer, Jonah Matter, Jacqueline Polizzi, Lacie Hotaling, Resident of P.O. Box 53, Earlton, Lawrence Rob, Rondice Robertson, Resident of 34 Noble Street, Christine Rodriguez, Jeffrey Rose, Shannon Seney, Paul Seney, Jr., Denise Adragne, Rachael Rebusmen, Francine Pell, Christina Portu, Valerie Portu, Resident of 7 Aaron Drive, Apt. 4, Melissa Luke, Donna Gianola, Alma Parks, Gerrilyn Bennett, Nadine Myrdycz, Brittany Parks, Diana Mattice, Joslynn Lynn, Barton Wallace, Eileen Wallace, Jennifer DeRose, Garret DeRose, Donna Wasilewski, and Jeffrey Stiteler.

A petition supporting Empire Riverfront Ventures signed by the following: Samantha McCarten, Nikki Halsted, Resident of 1527 Route 81, Earlton, Resident of 2151 Farm to Market Road, Resident of 1345 High Hill Road, Earlton, Resident of 314 Kings Road, Marjorie Cagle, Jessica Palmer, Jeannie Dickson, Resident of 209 Mansion Street, Colleen McCarter, Kathleen Reilly, Natalie Stumpf, Resident of 233 Mansion Street, Courtney Fitzgerald, Francis Pell, Amanda Wolfe, Resident of 11780 Route 9W, Jennifer Jones, and James Warren.

An emailed letter was received from Carter Hodgkin regarding comments on Empire Riverfront Ventures, LLC.

An email was received from Dan Fox regarding Joint Public Hearing comments for Empire Riverfront Ventures, LLC.

An email was received from Mary McGuigan regarding Riverfront development.

**Public Hearings**

Chairman Van Valkenburg, Jr called the Public Hearing to order at 6:00 p.m. for the review of the proposed Site Plan for Schoolhouse Road Pediatrics PC at 270 Mansion Street. MJ Engineering and Land Surveying, P.C., on behalf of Schoolhouse Road Pediatrics PC, has submitted a Site Plan for the redevelopment of an existing parcel of land that contains an existing single-story building at 270 Mansion Street in the Village of Coxsackie.

Walt Lippmann, of MJ Engineering and Land Surveying, P.C., stated that he is present on behalf of Schoolhouse Road Pediatrics PC. He said that the property is a .54-acre parcel with an existing 5,500 square foot building with frontage along Mansion Street. Right now, there is a parking area in the front. However, there is also parking in the rear that is an informal gravel parking lot. What they are proposing to do is to formalize the parking in the rear of the building. Previously, there was discussion about having a few employee parking spots in the front. Since then, they have removed those spots and added some landscaping and lawn area. They have made some adjustments to the landscaping to allow for more green area. The existing site is non-conforming as far as lot coverage goes. The permitted allowance is 70%, and the original plans showed them at a 77.5%. With these changes, they are now at a 72.2%. While they are still over the allowed amount, they did reduce that nonconformance by quite a bit. They are proposing additional lighting to include 5 LED lights along the back of the site, as well as 2 Electric Vehicle Charging Stations.

Chairman Van Valkenburg, Jr. asked if those lights will be on continuously after dark, or if they will be on timers.

Walt Lippmann stated that they will likely be on timers. However, there may be some sconce lights that may be on during the night for safety. The hours will be Monday-Friday, from 8:00 a.m. to 5:00 p.m. So, there wouldn’t be much activity after 5:00 p.m.

Chairman Van Valkenburg, Jr. stated that he feels that having the lights on timers would be good for neighborhood use.

Deidre Meier asked what the typical length of time an employee would stay would be. For safety purposes you don’t want to see employees walking out in the dark.

Chairman Van Valkenburg, Jr. stated that they would like to see the lighting on timers for maybe an hour past when people are there. Regarding the enclosure for the dumpster, in the Village Code it requires vinyl slats instead of chain link fence. He asked if that was made part of their design.

Walt Lippmann stated that they will provide more detail on that.

Chairman Van Valkenburg, Jr. asked if the fencing going around the property is all stockade fence.

Walt Lippmann stated that there is an existing fence that is along the one side of the property that will remain, and there is a smaller fence that is a four-foot-high fence that is wire that will be removed. There will be some landscaping done to create a vegetative buffer around the site.

Chairman Van Valkenburg, Jr. asked if there was an area to remove excess snow, or a plan that remediates having to push snow towards neighboring property.

Walt Lippmann stated that there are areas on site that they could push snow. If there is larger than normal snowfall, then the snow can be removed and brought off site.

Patricia Maxwell asked if she is correct in understanding that they are planning to leave the stockade fence that is there on the side of the building, and they are removing the back wire fence.

Walt Lippmann stated that that is correct.

Bob Lucido, of 266 Mansion Street, stated that he is concerned about the gate on the fence that borders his property.

Walt Lippmann stated that that fence will remain.

Bob Lucido stated that he is fine with that since the plans did not change much from what is there originally.

Chairman Van Valkenburg, Jr. stated that he feels that eliminating the parking spots in the front of the building will be beneficial.

Bob Lucido stated that he is concerned about snow plowing on the one side of the building that borders his property.

Chairman Van Valkenburg, Jr. stated that they will not be plowing the area in question because there will be landscaping there. There will be less paved surface to plow than in the past.

Chairman Van Valkenburg, Jr. read the Short Environmental Assessment Form (SEAF) Part 1 questions, and applicant’s answers, aloud pertaining to the proposed Site Plan for Schoolhouse Road Pediatrics PC at 270 Mansion Street to the public.

Chairman Van Valkenburg, Jr. stated that as the Planning Board is Lead Agency, the board needs to read the SEAF Part 2 questions aloud pertaining to the proposed Site Plan for Schoolhouse Road Pediatrics PC at 270 Mansion Street. The Board responded with the answers which declared that there were no adverse impacts.

Chairman Van Valkenburg, Jr. read the Negative Declaration aloud which states the reasons for supporting the determination.

A motion to approve the issuance of a Negative Declaration in the Determination of Significance for the Site Plan application submitted by Schoolhouse Road Pediatrics PC for 270 Mansion Street was made by Jarret Lane and seconded by Patricia Maxwell. Chairman Van Valkenburg, Jr. voted yes. Jarret Lane voted yes. Patricia Maxwell voted yes. Deidre Meier voted yes. The motion carried.

No further public comments were offered.

A motion to adjourn the Public Hearing for Schoolhouse Road Pediatrics PC-270 Mansion Street was made by Deidre Meier and seconded by Patricia Maxwell. Chairman Van Valkenburg, Jr. voted yes. Jarrett Lane voted yes. Patricia Maxwell voted yes. Deidre Meier voted yes. The motion carried.

Chairman Van Valkenburg, Jr. asked when they are looking to start construction on this project.

Walt Lippmann stated they are looking to start construction this season and asked if it would be possible to get conditional approval.

Chairman Van Valkenburg, Jr. stated that he doesn’t see a problem with a conditional approval with the understanding that they provide the detail on the fencing around the dumpster enclosure and the lighting.

Bob Lucido asked if there was going to be parking in the front of the building.

Walt Lippmann stated that there will be no parking in the front of the building.

Bob Lucido asked if it was one way in, and one way out, around the building.

Walt Lippmann stated that the location of the building entrance will be moved to the rear, and that there will be a full width, two-way traffic entrance on the side.

A motion to approve the Site Plan application submitted by Schoolhouse Road Pediatrics PC for 270 Mansion Street, pending further submittals regarding fencing in conformance with §155-47, I(3) of the Village Code, and further lighting detail was made by Deidre Meier and seconded by Jarret Lane. Chairman Van Valkenburg, Jr. voted yes. Jarrett Lane voted yes. Patricia Maxwell voted yes. Deidre Meier voted yes. The motion carried.

Walt Lippmann stated that they will make revisions to their plans and provide five copies to the Village Clerk.

Chairman Van Valkenburg, Jr. called the Public Hearing to order at 6:30 p.m. for the review of the Site Plan and signage permit for Sharon Mahota of the proposed Coxsackie Creamery at 12 Reed Street. Sharon Mahota has submitted a Site Plan and signing permit for the purpose of reopening the 1st floor of 12 Reed Street as “Coxsackie Creamery” in the Village of Coxsackie. This project does not change the building’s existing footprint.

Chairman Van Valkenburg, Jr. stated that at the last meeting the Board had asked Ms. Mahota to give more detail in labeling her plans, as well as provide some detail on the sign she will be hanging. She has since done that and submitted the documents to the Board. The sign has already been approved by the Historic Preservation Commission. He said that it seems like the sign does meet all of the Village’s code requirements.

Patricia Maxwell stated that the sign color has not been determined yet, but they will conform to the Village Code.

Chairman Van Valkenburg, Jr. asked if Ms. Mahota had submitted the return receipts for proof of Public Hearing notice mailing.

Clerk Nikki Bereznak stated that Ms. Mahota has submitted the return receipts.

Chairman Van Valkenburg, Jr. read the Short Environmental Assessment Form (SEAF) Part 1 questions, and applicant’s answers, aloud pertaining to the proposed Site Plan and signage permit for Sharon Mahota of the proposed Coxsackie Creamery at 12 Reed Street to the public.

Chairman Van Valkenburg, Jr. stated that as the Planning Board is Lead Agency, the board needs to read the SEAF Part 2 questions aloud pertaining to the proposed Site Plan and signage permit for Sharon Mahota of the proposed Coxsackie Creamery at 12 Reed Street. The Board responded with the answers which declared that there were no adverse impacts.

Chairman Van Valkenburg, Jr. read the Negative Declaration aloud which states the reasons for supporting the determination.

A motion to approve the issuance of a Negative Declaration in the Determination of Significance for the Site Plan application submitted by Sharon Mahota of the proposed Coxsackie Creamery at 12 Reed Street was made by Jarret Lane and seconded by Patricia Maxwell. Chairman Van Valkenburg, Jr. voted yes. Jarret Lane voted yes. Patricia Maxwell voted yes. Deidre Meier voted yes. The motion carried.

A motion to approve the Site Plan application and signage permit submitted by Sharon Mahota for Coxsackie Creamery located at 12 Reed Street was made by Jarrett Lane and seconded by Deidre Meier. Chairman Van Valkenburg, Jr. voted yes. Jarrett Lane voted yes. Patricia Maxwell voted yes. Deidre Meier voted yes. The motion carried.

No further public comments were offered.

A motion to adjourn the Public Hearing and return to the regular meeting at 6:45 p.m. was made by Patricia Maxwell and seconded by Jarrett Lane. Chairman Van Valkenburg, Jr. voted yes. Jarrett Lane voted yes. Patricia Maxwell voted yes. Deidre Meier voted yes. The motion carried.

**New Business**Chairman Van Valkenburg, Jr. stated the next item of business is the SEQRA review of Empire Riverfront Ventures, LLC’s Site Plan application.

Mary Beth Bianconi, of Delaware Engineering, stated that the elements of the project that are being evaluated for SEQR are: the kitchen addition to the south side of the Wire Event Center, the exterior deck on the Wire Event Center, the footprint and total height of the hotel, a parking area on a leased parcel adjacent to the site, Electric Vehicle Charging stations, the second story walkway between the spa and the hotel, and the overhang between the hotel and the Wire Event Center. So, those are the aspects that are being reviewed under SEQR. On a parallel track with the Planning Board’s review of the Site Plan and Special Use Permit, the Zoning Board of Appeals has been evaluating the Area Variance for the height difference between the allowable height and the height of the structure. That height variance is seeking a difference of 15.23 feet, which is what is above the allowed 50 feet per the Village’s Zoning Code. At the last ZBA Meeting, the ZBA continued its deliberations on the Area Variance. Again, their main focus is on that roughly 15-foot height difference. They cannot act until SEQR has come to some kind of findings. Upon their deliberations, they did discuss a number of potential conditions that they may consider if they get to a point where they are looking at some type of action regarding the Area Variance. She said that she would like to run through what those conditions were, and some of the changes that have been made to the project with respect to those conditions. The first is limitation when it comes to operating hours. The Village Code has definitions when it comes to operating hours. So, what the ZBA has been considering is 7:00 a.m. to 9:00 p.m. Sunday through Thursday, and 7:00 a.m. to 10:00 p.m. Friday and Saturday. While the actual operating hours may be different, those timeframes are in conformance with the Village Code. The next item is space that is open to the sky on the fifth floor would be limited to bar and dining use seasonally from May to October, and no other use of the space would be permitted. The next item is exterior amplified or non-amplified sound permitted only during operating hours, such that patrons may maintain conversational speaking voices. The next item is exterior amplified or non-amplified sound of any kind strictly prohibited outside of normal operating hours. The next item is amplifiers, speakers or other acoustic devices restricted to direct sound into the fifth-floor occupied space, with such devices directing sound exterior to the occupied portion of the fifth floor strictly prohibited. The next item is fifth-floor Dark Sky compliant, down-lit, internally focused low-level lighting without flashing, colored, strobe or other lighting effects. The next item is parapet greenery required to be maintained throughout the growing season, and the applicant has submitted a revised plan showing additional parapet greenery. Lastly, all building systems located on the fifth floor shall be situated to reduce visibility from neighboring properties, and all such systems shall include measures to minimize sound. In the applicant’s response memo dated 9/14, there are two attachments. One of them is an architectural rendering that does show that they have expanded the area of parapet greenery to include all sides except the east side, in order to provide additional screening for the air handlers on the roof. The other attachment is a revision to the Site Plan showing that the eight feet of land that is a subject of a property dispute is now called out specifically as a “no build area”. So, no elements of the project are in those eight feet that is in dispute. That is something that can be resolved between the property owners.

Chairman Van Valkenburg, Jr. stated that as the Planning Board is Lead Agency, the board needs to read the FEAF Part 2 questions aloud pertaining to the proposed Site Plan and Special Use Permit for Empire Riverfront Ventures, LLC at 22-34, 52, 60 and 66 South River Street. The Board responded with the answers, and after discussion and deliberation, declared that there were no adverse impacts.

Attorney Robert Stout read the Negative Declaration aloud which states the reasons for supporting the determination. SEQRA Negative Declaration attached hereto as part of the official minutes.

A motion to approve the issuance of a Negative Declaration in the Determination of Significance for the Site Plan application submitted by Empire Riverfront Ventures, LLC at 22-34, 52, 60 and 66 South River Street was made by Patricia Maxwell and seconded by Jarrett Lane. Chairman Van Valkenburg, Jr. voted yes. Jarret Lane voted yes. Patricia Maxwell voted yes. Deidre Meier voted yes. The motion carried.

A motion to approve the adoption of Resolution-South River Street Redevelopment Application for Site Plan Amendment and Special Use Permit SEQRA Determination of Significance was made by Patricia Maxwell and seconded by Deidre Meier. Chairman Van Valkenburg, Jr. voted yes. Jarret Lane voted yes. Patricia Maxwell voted yes. Deidre Meier voted yes. The motion carried. A copy of the Resolution attached hereto as part of the official minutes.

Mary Beth Bianconi stated that process wise, the ZBA next meets on October 3rd, and now that SEQR has findings the ZBA can consider their action with respect to the Area Variance. Just to review, they have criteria that they are looking at that means that either they can approve the Area Variance as requested, approve it with conditions, or deny the Area Variance. Those are their choices with respect to that. They may be in a position to act on October 3rd. Presuming that the ZBA acts on the Variance on October 3rd, and the Planning Board next meets on October 20th, this Board can take up consideration of acting on the amended Site Plan and Special Use Permit at that time.

Andrew Millspaugh, of Sterling Environmental Engineering, on behalf of Empire Riverfront Ventures, asked if the Planning Board will entertain a joint meeting with the ZBA if the scheduling allows it.

Attorney Robert Stout stated that he thinks that both discussions will be quite comprehensive with respect to the Area Variance criteria with the ZBA, and Site Plan and Special Use Permit with the Planning Board. Everyone can see that tonight’s meeting lasted 3 hours. He doesn’t think that it will be necessarily efficient, and there isn’t another meeting with the ZBA before then to be able to consult with them in an open forum about this consideration. He said that to be honest, he feels like the answer is likely no.

Andrew Millspaugh asked if pending the outcome of the ZBA meeting on October 3rd, would there be potential to hold a Special Meeting prior to the Planning Board meeting on October 20th.

Attorney Robert Stout stated that the Board can take this under consideration.

**Public Comment Period**
Aaron Flach thanked the Board for their time working through this process.

Claudia Braymer, of Braymer Law, on behalf of her client Karen Gunderson, stated that she does appreciate the detailed discussion that the Board had tonight, and she knows that they are not getting to the Site Plan criteria discussion tonight, but one of the things she does want to mention again is about the disputed area between her client and Empire Riverfront Ventures. She understands that it is called a “disputed area”, but Ms. Gunderson has a survey showing that she owns that area, and they will assert that it is her land. She said that she saw the revised Site Plan showing the “no build area”, but again, if that is her land then there should be a buffer between her land and where Empire Riverfront Ventures’ first parking area starts. She stated that that is what they are continuing to look for from the Planning Board, is that the Board requires Empire Riverfront Ventures to put a buffer space between her land and their project element, which is a parking lot next to her property. She thanked the Board stating that she knows that it was a long-detailed discussion tonight, and she understands that they had a lot to go through, but she appreciates that discussion.

Chairman Van Valkenburg, Jr. stated that the Board can consider all of that along with their Site Plan review as they proceed.

Attorney Robert Stout stated that he agrees with that. That issue can be considered as part of the Site Plan review.

Veronica Foley via Zoom stated that the discussions around the proposed conditions related to the ZBA variance stressed the importance of them being permanent and able to withstand the possibility of other owners. The expanded parking is leased, is that a permanent enough solution for the expanded need for parking? Is this in any way addressed by the SEQR review? it doesn’t seem so. Should this concern be brought instead to the ZBA?

Attorney Robert Stout stated that issue is also something that can be dealt with as part of the Site Plan review as a condition of Site Plan approval. He finds it most appropriate to deal with it during that time.

Chairman Van Valkenburg, Jr. stated to just be aware that as they proceed with Site Plan review that these items will have to be discussed.

No further public comments were offered.

A motion to adjourn the Planning Board meeting was made by Deidre Meier and seconded by Jarrett Lane. Chairman Van Valkenburg, Jr. voted yes. Jarrett Lane voted yes. Patricia Maxwell voted yes. Deidre Meier voted yes. The motion carried.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Nikki Bereznak
Clerk

**RESOLUTION OF THE**

**VILLAGE OF COXSACKIE PLANNING BOARD**

**September 15, 2022**

**SOUTH RIVER STREET REDEVELOPMENT**

**APPLICATION FOR SITE PLAN AMENDMENT AND SPECIAL USE PERMIT**

**SEQRA DETERMINATION OF SIGNIFICANCE**

**WHEREAS,** on April 11, 2022, Sterling Environmental Engineering, P.C., on behalf of Empire Riverfront Ventures, LLC (the “Applicant”) submitted to the Village of Coxsackie Planning Board (the “Planning Board”) an application for amendment of the existing Site Plan regarding the redevelopment of the east side of South River Street from the Dolan Block to the former State Wire facility, along with an application for a Special Use Permit addressing the addition of a deck and kitchen to a building known as “The Wire” (collectively, the “Application Submission” for the “Project”); and,

**WHEREAS,** the Application Submission included:

* Application forms for Site Plan Amendment and Special Use Permit;
* a copy of the application for Area Variance for building height related to the partially constructed 5th Floor at the Newbury Hotel, which Area Variance application was submitted to the Zoning Board of Appeals on the same date; and
* Supplemental Short Environmental Assessment Form dated April 11, 2022;
* Copy of February 21, 2019 SEQRA Negative Declaration;
* Project narrative;
* Updated Project Drawings Set;
* Parking and Traffic Study by Creighton Manning Engineering, LLP; and

**WHEREAS**, on April 14, 2022, Applicant submitted an updated Lighting Plan to supplement its Application Submission; and

**WHEREAS**, at its April 21, 2022 meeting, the Planning Board adopted a resolution determining the Project to be a Type I Action pursuant to 6 NYCRR Part 617.4; requiring a coordinated review under the State Environmental Quality Review Act (“SEQRA”) and declaring its intent to be lead agency for the review of the Project; and

**WHEREAS,** on April 29th, 2022, Applicant submitted a revised Part I of a Full Environmental Assessment Form (“FEAF”); and

**WHEREAS,** upon its receipt of an updated Part I of the FEAF to address comments from the Planning Board’s technical professionals, the Planning Board circulated a notice of intent to be Lead Agency on May 13, 2022, including a copy of the FEAF to all Interested and Involved Agencies pursuant to SEQRA; and

**WHEREAS,** on June 6th, 2022, Applicant submitted a supplement to its Application Submission, which supplement included a copy of a Visual Impact Assessment also provided to the Zoning Board of Appeals as well as other supplemental information; and

 **WHEREAS,** on June 10th, 2022, Applicant submitted a supplement to its Application Submission, which submission included a response to review memoranda issued by Delaware Engineering on April 20th and May 20th, 2022, as well as an updated Traffic Study report and comment response letter prepared by Creighton Manning Engineering, LLP; and

**WHEREAS,** at its June 16th, 2022 meeting, having received no objection to its serving as SEQRA Lead Agency, the Planning Board declared itself as Lead Agency for a Coordinated Review of the Project; and

**WHEREAS**, on July 14th, Applicant submitted a supplement to its Application Submission, which submission included:

* Correspondence related to a property boundary dispute;
* Updated architectural renderings of the Newbury Hotel and additional line of site photographs to supplement the previously provided Visual Impact Assessment;
* Lease Agreement for parking on the adjacent southern parcel;
* A Stormwater Pollution Prevention Plan (“SWPPP”);
* Copy of a partially executed Letter of Resolution with the New York State Office of Parks, Recreation and Historic Preservation to mitigate impacts to historic and cultural resources;

**WHREAS,** a public hearing was held during a joint meeting of the Planning Board and the Zoning Board of Appeals on August 29th, 2022, which public hearing was left open for the submission of written comments through September 7, 2022; and

**WHEREAS,**  by letter dated September 14th, 2022, Applicant submitted a response to comments received during the public comment period; and

**WHEREAS,** the Planning Board previously issued a Negative Declaration on February 21, 2019 and Site Plan approval on March 21, 2019 forthe proposed redevelopment consisting of the renovation of four historic buildings into residential apartments, commercial spaces, restaurant/event space, and a 40-unit hotel; and the formalization of parking for the Village Center; and,

**WHEREAS,** the Application Submission includes deviations from the previously reviewed and approved project, which deviations are the subject of the Application Submission, as supplemented, and the Planning Board’s SEQRA review, these deviations include:

* Kitchen addition to south side of The Wire.
* Exterior deck on The Wire.
* Completed footprint and total height of The Newbury.
* Enlarged parking area on leased area of Parcel 56.20-2-13.2.
* Electric vehicle charging stations.
* Second story walkway between Spa and The Newbury.
* Overhang between The Newbury and The Wire.

**WHEREAS,** the Applicant has submitted a SWPPP, inclusive of a Sediment and Erosion Control Plan and has filed a Notice of Intent (“NOI”) form with the New York State Department of Environmental Conservation (“NYSDEC”) to obtain coverage under the Stormwater General Permit for Construction Activity; and

**WHEREAS,** the Applicant has applied to the Zoning Board of Appeals for variances as follows:

* An area variance to allow a maximum building height of 65.23 feet within the Village Center (VC) Zoning District.

**WHEREAS,** the Applicant has applied for a Special Permit with respect to the kitchen and deck additions to The Wire which are located within 50 feet of the mean high water level of the Hudson River; and

**WHEREAS,** the Applicant has entered into a lease with an option to acquire lands adjacent to the south within Parcel 56.20-2-13.2 for the purpose of increasing the available parking; and

**WHEREAS,** the Applicant has entered into a Letter of Resolution (LOR) with SHPO to effectively mitigate impacts associated with the demolition of the building to facilitate construction of the Newbury Hotel; and

**WHEREAS,** the Applicant submitted a Traffic Study at the request of the Planning Board. Said study prepared by Creighton Manning and dated June 9, 2022 concluded in part that the magnitude of the new vehicle trips generated at the site is less than the NYSDOT and ITE threshold of 100 site generated vehicles on any one intersection approach for needing off‐site intersection analysis indicating that detailed intersection analysis is not needed and that the site generated traffic will be accommodated by the existing roadway network; and

**WHEREAS,** the applicant undertook a Visual Assessment at the request of the Zoning Board of Appeals and Planning Board and agreed to modify the Project to include the following measures:

* Dark Sky compliant, down-lit, internally focused low-level lighting without flashing, colored, strobe or other lighting effects;
* Parapet greenery to be maintained throughout the annual growing season, including greenery to be maintained year round;
* Situating all building systems equipment located on the fifth floor to reduce visibility from neighboring properties; and

**WHEREAS,** the Applicant has responded to all requests for supplemental information, documents and engineering evaluations to date, including those enumerated in memoranda issued by Delaware Engineering dated March 23, 2022, April 20, 2022, May 20, 2022, June 6, 2022, June 16, 2022 and June 27, 2022; and

**WHEREAS,** the Applicant, following consultation with the Planning Board and Zoning Board of Appeals has further modified its Project to reflect the following limitations:

* Operating hours of the restaurant on the fifth floor will be limited to 7:00AM to 9:00PM Sunday through Thursday and 7:00AM through 10:00PM Friday and Saturday;
* Use of outdoor space on the fifth floor will be limited to bar and dining use seasonally from May to October, the space will not be used for any other use;
* Exterior amplified or non-amplified sound will be permitted only during operating hours and will be played at a level such that patrons may maintain conversational speaking voices;
* Exterior amplified and non-amplified sound is permitted only during the above referenced operating hours;
* Amplifiers, speakers or other acoustic devices, be they exterior or interior, shall be directed inward and not away from the building;
* Temporary parking signage and/or parking lot attendants will be provided to facilitate parking during large events at The Wire;
* The provisions of the Letter of Resolution will be implemented prior to opening of the Hotel;
* The Applicant will follow the recommendations of the Traffic Study;
* The Applicant will is not proposing to alter any land that is the subject of a boundary dispute;

**WHEREAS,** the Applicant submitted a completed Part I of the Full Environmental Assessment Form (FEAF), pursuant to SEQRA, to the Village of Coxsackie Planning Board; and,

**WHEREAS,** the Applicant will be required to receive Department of Health Temporary Housing Permit for the Hotel; and

**WHEREAS,** The Planning Board has completed Part II of the FEAF.

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. The Village of Coxsackie Planning Board, as SEQRA Lead Agency, hereby determines that the Project will not have a significant adverse environmental impact on the environment for the reasons set forth in the attached Negative Declaration.
2. The Planning Board Chairman shall sign Part 3 of the FEAF indicating thereon that an Environmental Impact Statement will not be prepared and cause the Notice of Determination of Non-Significance attached to be filed as required by law.

**State Environmental Quality Review (SEQRA)**

**NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

**SEQRA NEGATIVE DECLARATION**

This notice is issued pursuant to part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (SEQR).

The Village of Coxsackie Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and that an Environmental Impact Statement will not be prepared.

**DATE: September 15, 2022**

**NAME OF ACTION: Application for Site Plan Amendment, Special Use Permit and Area Variance (the “Project”)**

 **South River Street Redevelopment**

**LOCATION: 22-34, 52, 60 South River Street**

**Coxsackie, NY 12051**

**SEQR STATUS: Type I Action**

**LEAD AGENCY: Village of Coxsackie Planning Board CONTACT PERSON: Robert VanValkenburg, Planning Board Chair**

**Coxsackie Village Hall 119 Mansion Street**

**Coxsackie, NY 12051**

**DESCRIPTION OF ACTION:**

A Special Use Permit is needed to authorize construction within 50 feet of the high-water mark of the Hudson River within the Waterfront Development zoning district. An area variance is needed to authorize a total building height of 65.23 ft within the Village Center zoning district. A Site Plan Amendment is needed to identify project revisions that are not reflected in the existing Site Plan approval, dated March 21, 2019 or prior SEQRA Negative Declaration dated February 21, 2019. The Site Plan Amendment includes the following revisions:

* 2,000 ft2 kitchen addition to south side of The Wire.
* 1,200 ft2 exterior deck on The Wire.
* Increase in footprint of The Newbury from 6,280 ft2 to 8,460 ft2.
* Increase height of Newbury to 65.23 ft.
* Enlarged parking area on Parcel 56.20-1-26 and leased area for parking on Parcel 56.20-2-13.2.
* Electric vehicle charging stations.
* 250 ft2 second story walkway between Spa and The Newbury.
* 500 ft2 overhang roof between The Newbury and The Wire.

**REASONS SUPPORTING THIS DETERMINATION:**

The Village Planning Board has reviewed the Full Environmental Assessment Form (FEAF) and the criteria contained in 6 NYCRR §617.7 and has determined that the Project will not have a significant impact on the environment for the following reasons:

1. As required by §617.7(b), the Planning Board has:
	1. Considered the action as defined in subdivisions 617.2(b) and 617.3(g).
	2. Reviewed the FEAF, the criteria identified in 617.7(c) and other supporting information to identify relevant areas of environmental concern.
	3. Analyzed the identified relevant areas of environmental concern to determine whether the action will have a significant adverse impact.
	4. Adopted this SEQRA Negative Declaration.
2. The Planning Board has compared the impacts reasonably expected to result from the proposed action to the criteria listed in 617.7(c)(1) as indicators of significant adverse impacts and examined the potential for, among other things:
	1. **a substantial adverse change in existing air quality,** **ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;**

With respect to the potential for a substantial adverse change to existing air quality, the Planning Board notes that the Project will not result in the creation of a state or federally regulated emissions source and that emissions from the Project are anticipated to be those consistent with projects of similar size and scope (i.e. hotel/restaurant/event space).

With respect to the potential for erosion, flooding, leaching or drainage problems, the Planning Board notes the area is already generally developed, and there are no known issues with respect to flooding in the area. The Planning Board further notes that a Stormwater Pollution Prevention Plan (“SWPPP”) was provided documenting that the Project will meet the redevelopment standards of the NYSDEC SPEDES General Permit for Stormwater Discharges from Construction Activity. Based on its review of the application materials inclusive of the SWPPP, the Planning Board concludes there will not be a substantial adverse change ground or surface water quality or quantity.

With respect to the potential for a substantial adverse change to traffic levels, the Planning Board notes that the application materials included a Traffic and Parking Assessment, prepared by Creighton Manning, dated as of April 11, 2022 and supplemented by Creighton Manning’s letter of June 9, 2022 in response to comments provided by the Village’s consultant, Delaware Engineering, D.P.C. (collectively, the “Traffic Study”). The Planning Board notes that, among other things, the Traffic Study concludes that “the magnitude of the new vehicle trips generated at the site is less than the NYSDOT and ITE threshold of 100 site generated vehicles on any one intersection approach for needing off-site intersection analysis indicating that detailed intersection analysis is not needed and that the site generated traffic will be accommodated by the existing roadway network”.

With respect to the potential for a substantial adverse change to noise levels, the Planning Board notes that at all times, the Applicant will be required to comply with the performance standards contained within Section 155-30 of the Village Zoning Code which take into consideration various sound pressure level limits based on the time of day (7:00am to 10:00pm and 10:00pm to 7:00am) and nature of adjacent use. Additionally, the Applicant must comply at all times with Chapter 89, “Noise” of the Village Code. Moreover, the Applicant has indicated in the record before the Zoning Board of Appeals and this Board, that, with respect to the restaurant space that will occupy the area that is the subject of the height variance, operating hours will be limited to 7:00am to 9:00pm Sunday through Thursday and 7:00am through 10:00pm Friday and Saturday; use of the outdoor space on the fifth floor will be limited to bar and dining use seasonally from May to October; exterior amplified or non-amplified sound will be permitted only during operating hours such that patrons may maintain conversational speaking voices (e.g. background music only); exterior amplified and non-amplified sound of any kind will be strictly prohibited outside of operating hours; amplifiers, speakers or other acoustic devices, be they exterior or interior, shall be directed inward toward the building and not away from the building. The Planning Board finds that as a result of these Project elements, there is no potential for a substantial adverse change to noise levels.

The Planning Board also finds that there is not anticipated to be a substantial increase in solid waste production, above what would otherwise be expected for a Project of similar size and use. The Applicant will provide for separate management of recyclables and waste, and dumpsters will be regularly serviced for off-site disposal.

* 1. **the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;**

With respect to the potential for the removal or destruction of large quantities of vegetation or fauna, the Planning Board notes the area is already generally developed and was historically industrial. Moreover, while the rare plant Hart-Leaved Plantain was identified to potentially be in the vicinity of the Project, the Planning Board notes that its habitat is generally restricted to the gravel shores along the freshwater tidal portions of the Hudson River, which are not proposed to be disturbed. Additionally, the NYSDEC Environmental Resource Mapper identified the Shortnose Sturgeon and the Bald Eagle as being in the vicinity of the Project area. The Planning Board notes that the Project does not propose to disturb the bed or banks of the river nor are there any known existing Bald Eagle nests that will be disturbed. For the foregoing reasons, the Planning Board finds that there are no anticipated significant adverse impacts associated with the referenced resources.

* 1. **the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;**

The Planning Board notes that the Project site is not located in, nor is it adjacent to a critical environmental area.

* 1. **the creation of a material conflict with a community's current plans or goals as officially approved or adopted;**

The Planning Board notes that the Project uses are permitted by the Village Zoning Code, subject to Site Plan review and approval and a Special Use Permit to authorize construction within 50 feet of the high water mark of the Hudson River in the Waterfront Development Zoning District. The Project is consistent with the Town and Village of Coxsackie Comprehensive Plan. The sole departure from the requirements of the Village Zoning Code is the need to obtain a height variance for the increased height of the hotel to 65.23 feet, which is in excess of the 50 foot height limitation contained in the Zoning Code.

* 1. **the impairment of the character or quality of** **important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;**

With respect to the potential for the impairment of aesthetic resources or existing community or neighborhood character, the Planning Board notes the Project is within .1 mile of Riverside Park and the Coxsackie Boat launch and within the vicinity of the Hudson River Greenway. The Applicant prepared and provided a visual assessment in accordance with the NYSDEC Program Policy “Assessing and Mitigating Visual and Aesthetic Impacts”. The Project does not interfere with public views of the Hudson River from Riverside Park or the Coxsackie Boat Launch. The Planning Board notes that the Project will increase connectivity with these resources and that the nature of the use (i.e. restaurant/hospitality) are permitted uses and generally consistent with other uses in the area. With respect to views of the Project from the east looking toward the Project, the Planning Board notes that it is evaluating the Project in the context of the topography of the area, including a steep and heavily treed escarpment, and other structures of similar height to the hotel in the area.

The Planning Board notes that the record reflects the Applicant has modified the Project to reduce the potential for visual impacts, including by agreeing to include and maintain parapet greenery on the fifth floor of the hotel year-round, and locating all building systems on the fifth floor in a manner to reduce visibility from neighboring properties. Moreover, the Applicant has indicated that it will be utilizing dark sky compliant, down lit, internally focused low-level lighting without flashing, colored, strobe or other lighting effects. The Applicant has provided a lighting plan which reflects that lighting will be limited to the Project Site.

The Planning Board further notes that the visual assessment concludes that the hotel structure is not anticipated to interfere with broad views of the Hudson River from vantage points to the west. Relevant to the Planning Board’s review is that the Project was previously reviewed and approved when it was contemplated to comply with the 50 foot height limitation. Thus, it is the incremental height increase to 65.23 feet that is being evaluated as part of this review, as well as the other elements of the Project. Following the submission of the visual assessment and in response to requests made by the Zoning Board of Appeals and members of the public, the Applicant submitted photographs from one privately owned parcel on Church Street that granted access to the Applicant, and also obtained photographs from properties on Ely Street that were submitted by other property owners. Additionally, architectural renderings were provided which reflect that a portion of the area of the hotel that is in excess of 50 feet is being finished with predominately blue siding, which is intended to have the effect of blending with the surrounding sky.

The Planning Board also acknowledges that the visual impact to some residents located closer to the Project will be greater than those located a further distance from the Project. In determining the significance of a likely consequence, the Planning Board is mindful of assessing consequences in light of the factors contained at 6 NYCRR Part 617.7(c), which factors include the number of people affected.

With respect to important historical, archeological, architectural resources, the Applicant consulted with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) regarding the Project. A Letter of Resolution among OPRHP, and the New York State Empire Development Corporation Regarding the Demolition of the Newbury Iron Works – Office/Machine Shop was entered as of July 28, 2022 (the “LOR”). As part of the Project, the Newbury Iron Works-Office Machine shop was demolished and the Upper Hudson Electric Light & Power Co. and Foundry buildings were rehabilitated. The LOR references that the Office/Machine Shop, which was eligible for inclusion in the NYS and National Registers of Historic Places for its industrial significance, was in a significantly deteriorated condition, which resulted in a conclusion that any potential adaptive reuse of the structure was not feasible or prudent. Moreover, the LOR included certain stipulations, including documenting the machine shop with a historical narrative and photographs, documenting the rehabilitation of the Foundry and Light and Power buildings, continued consultation with OPRHP regarding any other ongoing work at the site and consultation with OPRHP regarding the rehabilitation of the Dolan Block. The Planning Board therefore concludes that while the loss of a historic structure may be deemed to be an adverse impact to historic preservation, given the condition of the structure, the previous disturbance of the land and the stipulations in the LOR, the Project will not result in a significant adverse impact to important historical, archeological or architectural resources.

* 1. **a major change in the use of either the quantity or type of energy;**

With respect to this item, the Planning Board notes that the Project, inclusive of a restaurant, hotel and event space, is anticipated to have energy needs associated with similar uses. Moreover, the Planning Board notes that the Project will include the installation of EV chargers, as well as a 75.84 kW solar roof installation.

* 1. **the creation of a hazard to human health;**

With respect to this item, the Planning Board notes that the Project is located at a site with a DEC Code of C420026. DEC records indicate that cooper, lead and zinc from historic foundry operations and residual fuel oil from a former above ground petroleum storage tank are the primary contaminants of concern at the property. DEC records indicate that a spill related to lead (0203280) was closed as of July 12, 2002 and that a spill related to diesel (0507365) was closed as of October 29, 2007. DEC records further contain a conclusion that it is unlikely that people will come into contact with contaminated soil beneath a gravel cover or at depth and that the area is served by public water and exposures to contaminated groundwater via drinking water are not expected. The Applicant will be required to comply with all environmental laws during construction and operation of the Project, including, without limitation, all legally required reporting of spills or other conditions requiring reporting.

* 1. **a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;**

The Planning Board notes that the Project will operate to enhance public access to existing recreational resources. To the extent the Project will result in a change in, and increase in the intensity of, the use of the site, the Planning Board notes its analysis above, noting in particular the provision of a traffic report concluding that the site generated traffic will be accommodated by the existing roadway network.

* 1. **the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;**

As indicated in the foregoing response, the Planning Board notes its analysis above, noting in particular the provision of a traffic report concluding that the site generated traffic will be accommodated by the existing roadway network.

* 1. **the creation of a material demand for other actions that would result in one of the above consequences**

No other foreseeable actions have been identified that might result on one of the above consequences. The Planning Board notes that to the extent any future action or development is proposed as a result of this Project, such action or development would be required to fully comply with all applicable laws, including, without limitation, SEQRA.

* 1. **changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or**

The Planning Board has not identified any such elements which, combined, would result in a substantial adverse impact to the environment.

* 1. **two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.**

The Planning Board has not identified any such actions. It further notes that in the event there is a future related action that is proposed, such future related action or development would be required to fully comply with all applicable laws, including, without limitation, SEQRA.

**Based on this review, the Village of Coxsackie Planning Board has determined that the Project will not have a significant adverse impact on the environment, and a negative declaration shall be issued.**