

VILLAGE OF COXSACKIE
BOARD MINUTES
April 10, 2023

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

A motion to approve the minutes from the March 13, 2023 Board Meeting was made by Trustee Irwin and seconded by Trustee Vermilyea. March Evans voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. Trustee Daoust and Trustee Levine abstained. The motion carried.

Mayor Evans introduced Donna Larkin, of Upstate Kayak Rentals, who is requesting to place a kayak rental unit at Riverside Park. He said that he has recently met with Ms. Larkin, along with Carley Kiernan, of NYS Parks, Recreation, and Historic Preservation, to look over Ms. Larkin's rental unit business. The State has already given their approval for the kayak rental unit, and have supplied a draft permit.

Donna Larkin, of Upstate Kayak Rentals, stated that she created her business to supply kayaks to people through self-serve hubs. She has one located nearby in Bethlehem, which is the location of her first self-serve kiosk that was placed there 7 years ago. Kayaks are rented by the pair in order to ensure that everyone has a paddling companion, and are rented for 3 hour intervals. People can visit the website at www.upstatekayakrentals.com and choose from one of the 15 locations they have. When someone books the rental, they will receive a confirmation on their phone along with a code. The code will only work during the hours that they reserved. The hours are preset, and are: 7 a.m.-10 a.m., 10 a.m.-1 p.m., 1 p.m.-4 p.m., and 4 p.m.-7 p.m. The rack consists of 6 kayaks that are rented by the pair. When someone arrives at their scheduled time, they will enter their code in order to unlock the kayaks. Under the kayaks, there are also hatches that contain life jackets and paddles. She has been running this business for 8 years now, and has locations along Lake Champlain, Erie Canal, Hudson River, and Round Lake. Communities have been really supportive of her business. She said that it is a very convenient system, and that it is also used by those who already own their own kayaks, due to the ease of use, rather than having to load and unload a kayak from a vehicle. She thinks that it will be a great addition to Coxsackie, and the new Riverside Park.

Trustee Vermilyea asked what happens if someone doesn't return a kayak on time.

Ms. Larkin stated that a late return fee will be charged to the person's credit card. The unit uses smart locks that are programmed to lock after the time window. She said that 3 hours seems to be a good length of time. There has only been 1 instance in the last 6 years where someone wasn't able to make the return window.

Trustee Irwin asked if Ms. Larkin has ever encountered a situation where someone is waiting, and they take the kayak from the person who is returning it, without utilizing the proper procedure.

Ms. Larkin stated that she has not encountered that. Generally, if people know that their credit card is on the line, they will not want to take a chance with being responsible for the person after them potentially not returning equipment etc.

Trustee Daoust asked if there are any utilities that are needed, such as electricity or telephone line.

Ms. Larkin stated that she does not need utilities. She will just need either a gravel or concrete

platform.

Trustee Levine asked if this structure is going to be anchored.

Mayor Evans stated that it will be anchored so that someone cannot accidentally tip it over. He said that the Village will also be named on the insurance along with NYS Parks.

Trustee Levine asked how the locks work in communicating information.

Ms. Larkin stated that when someone goes to the website, and picks the location and hours, they will receive an immediate text message with a code. That code will only work during the hours that they reserved. So, even if they are a minute over, it won't work. In the event that something like that happens, they can call her phone number and she can send them a temporary lock code.

Trustee Levine asked if the locks work via the cell phone towers.

Ms. Larkin stated that that is correct, and cell service should not be an issue here in the village.

Trustee Levine stated that down by the river cell service is an issue.

Ms. Larkin thanked the Board for letting her know about the cell service issue, and said that she will run a test down by the river.

Mayor Evans stated that there is good Wi-Fi service down by the river if the unit can be utilized that way.

Village Attorney, Robert Stout, asked Ms. Larkin if her other locations were on NYS owned property, or municipal owned property.

Ms. Larkin stated that each location is different.

Attorney Robert Stout asked if she has license agreements with other locations.

Ms. Larkin stated that she does have agreements with other locations.

Mayor Evans stated that the Village has an agreement with NYS that addresses if someone comes in that would like to do something in Riverside Park, that they have to meet all of the NYS requirements, but the Village also has a say since the Village operates and maintains the park. The Village is probably unique in that it is a NYS park, but the Village operates it.

Trustee Levine asked what the cost is to rent the kayaks.

Ms. Larkin stated that it is \$60.00 for the pair of kayaks for 3 hours.

Trustee Vermilyea asked if she is correct in understanding that you cannot rent a single kayak, that you have to rent a pair.

Ms. Larkin stated that that is correct. You have to rent a pair for safety reasons. This ensures that paddlers have someone with them.

A motion to approve the request received from Donna Larkin, of Upstate Kayak Rentals, to place a kayak rental unit at Riverside Park, pending submittal of a current Certificate of Insurance naming the Village of Coxsackie as additional insured, was made by Mayor Evans and seconded

by Trustee Levine. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

Correspondence Received

A letter was received from the Greene County Veterans Service Agency inviting the Village Board to the Annual Greene County Honor a Vet Memorial Ceremony on Saturday, May 20th, 2023 at 10 a.m. at the Catskill Point.

A letter was received from the Coxsackie-Athens Ecumenical Clergy Council Association requesting permission for a CROPWALK on Sunday, May 7th, from 2 p.m.-5 p.m., and asking for a Police escort.

New Business

Mayor Evans stated that representatives from UMH of Coxsackie, LLC are present tonight to discuss the proposed Mountain View Estates Project.

Attorney Robert Stout stated that procedurally, this Board's last action was to declare itself SEQRA Lead Agency back in December, after circulating to the other interested and involved agencies. No other agency expressed an interest in being a Lead Agency, so this Board became Lead Agency. A SEQRA process was undertaken in approximately 2009, and a Draft and Environmental Impact Statement (EIS) were done at the time. SEQRA findings were also issued at the time, but the project was never advanced. The project has ultimately come back with some modifications, notably with an increase in the number of units that are proposed. So, whenever this happens, it is appropriate for a Supplemental Draft Environmental Impact Statement (SDEIS) to be prepared. This is done in order to evaluate all of the conclusions in the previous EIS, to ensure that changed circumstances will not change any of the conclusions that were previously reached, and also to evaluate the potential impacts associated with the portion of the project that is new. That is the SEQRA review that is being undertaken now. When SDEIS are prepared, the DEC process that is referred to as Scoping is optional. Scoping is the process in which the Board, or the Lead Agency, identifies the topics that should be studied in the DEIS. So, counsel generally always advises that even when Scoping is optional, it should be done. The draft Resolution that is before the Board tonight does two things. It requests of the applicant a SDEIS, just to memorialize that as part of the process. It also requires the applicant to prepare a Draft Scope. The applicant, within the last two weeks, has submitted a Draft Scope for this Board's consideration. The Board has 60 days to review that and produce a Final Scoping Document. Whiteman, Osterman and Hanna, LLP is currently reviewing that document, along with Delaware Engineering. Comments will be forthcoming on that, and will be provided to both this Board, as well as the applicant. For the purposes of this evening, the applicant wanted to update the Board on its progress, bring the new Board Member up to speed with respect to what's going on, and then we can also have a conversation about public review of the Scoping Document going forward.

Andrew Gilchrist, of Gilchrist Tingley, P.C., stated that he is the attorney involved in this project for UMH of Coxsackie, LLC. He said that also with him is Gregg Ursprung, Project Engineer, and Martin Mancini, of UMH of Coxsackie, LLC. He stated that Mr. Stout did a very good job explaining procedurally where UMH is at as far as the environmental review process for this project. The project had undergone full SEQRA review many years ago. There are some project amendments, most particularly the number of proposed units has increased. Because more units are being proposed, the area has also increased. There is a part of this project where now units are being proposed on property that is located in the Town of Coxsackie. So, part of this project review is a proposed annexation, to annex that area into the Village, so that entire area of the proposed manufactured home units would be located in the Village. He said that Mr. Stout is also correct in that for purposes of SEQRA, when project amendments are made, many times the Lead Agency will require an update to both the existing information that was already analyzed, to make sure that there have not been any changed circumstances in terms of the existing environment and background conditions. As for those amendments that were not previously reviewed, they will need to be reviewed. So, UMH did concur that because of that, and given that this project had previously gone through SEQRA review, they thought scoping those issues to determine what issues needed to be updated, and what issues needed to be initially examined,

was needed. They have prepared a proposed Draft Scoping Document which was submitted. As Mr. Stout said, it will undergo legal and technical review before the Board serving as Lead Agency. It will be circulated before the other involved agencies to make sure that their comments are considered as well. He said that they anticipate a discussion tonight about the involvement of the public. There is a public review and comment portion to scoping as well. In this case, the SDEIS. He said that he knows that there is a new Trustee on the Board, and they do have the Project Engineer present. So, they thought that it would be a good idea to give a simple overview of the proposed project.

Gregg Ursprung, of Bergmann Associates, stated that he would just like to give a very brief overview of the project. What is being proposed is 360 single family homes. The overall property is about 170 acres. The developed portion will be on about 45 acres, with the remainder of the property being a habitat reserve area. One of the Village's requirements is when there is development, there has to be a ratio of 50% developed area to 50% habitat reserve. The project will include a club house, swimming pool, and other recreational facilities throughout the project. There will also be basketball courts, tennis courts, playground areas, and boat storage area

Trustee Irwin asked if there will be horse trails, since that was mentioned at a previous meeting.

Gregg Ursprung stated that there will be a trail that goes around the perimeter of the residential area.

Trustee Levine stated that the project is very dense, in terms of number of homes and size of lots.

Gregg Ursprung stated that the average lot size is about 10,000 square feet.

Trustee Levine asked what the size of the homes are.

Gregg Ursprung stated that the homes are 1,800-2,200 square feet. The 10,000 square feet is approximately a quarter of an acre.

Trustee Irwin asked if there is a two-way entry/exit into the development.

Gregg Ursprung stated that there is a two-way entry/exit into the development.

Mayor Evans stated that that is to be discussed. That is what UMH is proposing, but may not be what it is.

Attorney Stout stated that this Board will be studying the potential environmental impacts as part of the SEQRA, and would still need to go before the Planning Board for Site Plan approval for site specific concerns, just like the entry/exit.

Gregg Ursprung stated that both of the entrances would be controlled with a gate.

Mayor Evans stated that that is up for discussion also. From an Emergency Services aspect, they don't like gates. Half of the time they don't work, and half of the time when they say that they are siren activated, they don't work. So, then the gate has to be broken, and people aren't very happy. He asked UMH to reconsider the gates.

Trustee Daoust asked what UMH will be doing with the existing barn and model house.

Gregg Ursprung stated that the existing barn will be refurbished, and they plan to use it for horse boarding.

Andrew Gilchrist stated that this was just a general overview. We are at the initiation of the project review, so all of those issues will be discussed. It's not unusual to have those issues identified, and have project modifications being made during the review. Again, we are at the stage where UMH has submitted the Draft Scope of what they think should be examined in the SDEIS, and there is some procedure to be discussed, but they do appreciate the opportunity to at least give an overview and meet the new Trustee.

Attorney Stout stated that the Board has a draft Resolution on the agenda for tonight that requires two things. It requires the SDEIS, requires scoping, and acknowledges that the Village received the Draft Scope, and directs the Village Clerk to circulate it to the involved agencies. What the Resolution does not cover is what the public involvement process should be. He feels that the Board should consider that, and propose how it would like to proceed with the public involvement.

A motion to approve scheduling an Informational Session for Monday, May 1, 2023 at 7:00 p.m. to discuss UMH of Coxsackie, LLC's Mountain View Estates Project was made by Mayor Evans and seconded by Trustee Daoust. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

Attorney Stout stated that all of the project materials that have been submitted since last year, with the exception of this iteration of it, were posted to the Village website. The Village Clerk is going to see if it can be posted a little more prominently on the website homepage, so it is easier to access. He would also like to recommend to the Board that at that meeting, the Board allows the record to stay open for at least 7 days to allow people to submit written comments following the Informational Session if they would like to. That way, the Board would have all of the public comments within the first week of the month of May, allowing time to request further revisions to the scoping statement, so that it fits within the 60 day scoping window provided by the SEQRA regulations.

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.

Mayor Evans stated that as just announced, Senator Hinchey granted the Village \$102,000.00 to replace the pavilion that the Village had to take down at McQuade Park last fall. The one that the Village took down was about 40 years old, and the wood deteriorated due to time and weather. Senator Hinchey's office was gracious enough to see that it was a very needed amenity for our community and our park. The Village has actually known about this for a while, but was waiting on NYS to make an announcement. Unfortunately, Senator Hinchey is tied up with the NYS budget. In order to move forward, the Village needs to pass the Resolutions that are on the agenda for tonight. Senator Hinchey's staff said that the Village can move forward. This is good news for the Village.

Motions & Resolutions

A motion to approve the request received from the Coxsackie-Athens Ecumenical Clergy Council Association requesting permission for a CROPWALK on Sunday, May 7th, from 2 p.m.- 5 p.m., and asking for a Police escort was made by Trustee Irwin and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve advertising for the vacancy on the Planning Board of one Member, and one Alternate Member was made by Trustee Irwin and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve submitting a 50% down payment in the amount of \$51,000.00 to Pettinelli Recreation, Inc. for the purchase of a new McQuade Park Pavilion was made by Trustee Irwin and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A roll call vote was taken on Resolution No. 92023-To Enter Into Grant Disbursement Agreement with the Dormitory Authority of the State of New York Related to McQuade Park Project. Mayor Evans voted yes. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The resolution passed.

A roll call vote was taken on Resolution No. 102023-Extension of Short-Term Rental Law Moratorium. Mayor Evans voted yes. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee

Levine voted yes. Trustee Vermilyea voted yes. The resolution passed.

A roll call vote was taken on Resolution No. 112023-Village of Coxsackie Collection System Improvements SEQR Type I Classification. Mayor Evans voted yes. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The resolution passed.

A roll call vote was taken on Resolution No. 122023-Determining the McQuade Park Project is a Type II Action Under the State Environmental Quality Review Act. Mayor Evans voted yes. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The resolution passed.

A roll call vote was taken on Resolution No. 132023-Request for Supplemental Draft Environmental Impact Statement and Commencement of Scoping-Mountain View Estates Project. Mayor Evans voted yes. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea abstained. The resolution passed.

A motion to approve water/sewer adjustments from March 1-31, 2023 was made by Trustee Daoust and seconded by Trustee Vermilyea. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the bills on General Fund Abstract #11, vouchers 616-676 totaling \$115,895.01; Water Fund Abstract #11, vouchers 379-412 totaling \$49,225.55; Sewer Fund Abstract #11, vouchers 295-327 totaling \$51,991.00; Capital Projects Fund Abstract #11, vouchers 7-11 totaling \$20,044.60; Heroes Banner Fund Abstract #11, voucher 10 totaling \$2,369.00; Owl Project Fund Abstract #11, voucher 12 totaling \$210.00 was made by Trustee Levine and seconded by Trustee Irwin. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

Public Comment Period

Trustee Daoust stated that the Heroes Banner project is moving forward. They have received about 26 more banners this year, and they will be going up a couple of days before Memorial Day, and be taken down a couple of days after Veteran's Day. The committee is in good shape, and they are having a meeting this Thursday.

Joan Tailleir asked if the Board knew a timeframe for when the first draft of the proposed Short-Term Rental law will be done.

Mayor Evans stated that he is hoping that the Board will have the review wrapped up very soon.

Attorney Stout stated that the goal is to do it before the May meeting, so the Board can schedule a Public Hearing, and give people sufficient time to look at it before the Public Hearing.

Joan Tailleir asked if there is a form, or procedure in place, for filing a variance from the Short-Term Rental Moratorium.

Attorney Stout stated that the Village has not had any request for a variance from the Short-Term Rental Moratorium, but the Village will certainly accept them. There is no form that has been set up, it's just a letter addressing the elements of the waiver that is set forth in the Moratorium law as necessary.

Mayor Evans stated that the Board is moving as quick as they can to get it done. The discussions were lengthy and got very technical at times. It has been interesting to say the least.

Joan Tailleir asked if residents wanted to send letters if it would be more helpful to wait until the Board has a draft law in place.

Mayor Evans stated that that would be helpful.

Veronica Foley stated that she wanted to make a request for when UMH does their presentation at the public Informational Meeting. She asked if UMH could include in their presentation a list of the variances that they'll be requesting. She said that she thinks it would give some context to the project, and will answer some of Trustee Levine's earlier questions about why the proposed houses are so close.

Attorney Stout stated that he can certainly pass that along to Mr. Gilchrist.

Veronica Foley stated that she has read the Consent Decree, and it doesn't preclude the Village in any way to saying no to any of those variances. She just thinks that that is something to be clear on.

Veronica Foley stated that she is just curious to know if there has been any movement with the next stages of the NY Forward Grant. She said that she read on their webpage that there is a strategic investment plan, and asked if that is something that a committee is created for.

Mayor Evans stated that a committee is created, and is in progress. Unfortunately, with NYS money, comes NYS rules. So, he is really not at liberty to say anything right now, but he knows that it's being worked on, and he's hopeful that NYS will announce it soon. He does email back and forth with the gentleman assigned to be the Village's point of contact at the State about twice a week since the Village received the grant.

No further public comments were offered.

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

The meeting was adjourned at 7:58 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nikki Berezna".

Nikki Berezna
Clerk