

**VILLAGE OF COXSACKIE
PLANNING BOARD MINUTES
December 21, 2023**

Chairman Robert Van Valkenburg, Jr. called the Planning Board Meeting to order at 6:02 p.m. Present were Planning Board Members: Matthew Bennett, Patricia Maxwell and Deidre Meier. Jarrett Lane and Christine Martin were absent.

A motion to approve the minutes from the November 16, 2023 Planning Board Meeting was made by Patricia Maxwell and seconded by Deidre Meier. Chairman Van Valkenburg, Jr. voted yes. Matthew Bennett voted yes. Patricia Maxwell voted yes. Deidre Meier voted yes. The motion carried.

Old Business

1. **5-7 Mansion Street** – Chairman Van Valkenburg, Jr. stated that he has consulted with the Village Attorney regarding the parking spots for 5-7 Mansion Street. He has received clarification stating that if there is a change in the dimensional standards for the parking spots, then they will have to have to seek a variance. In respect to the number of spaces, the Board has operated traditionally with not requiring businesses to meet the standards, and instead use on street parking in their calculations, so as to not hamper business downtown, knowing how the parking situation is. However, when looking at residential operation, it is pretty clear that the Board does need to maintain those standards. So, he thinks that looking for 16 spots between the different parcels would be appropriate. Hopefully, it could be something that is operationally mixed use between the restaurant and the housing. That would be a decision of this Board, if that is the decision they want to make and decide to move forward. He said that if the dimensional standards of the parking spots need to be changed, then the applicant will need to get a variance for that. He said that he will reiterate that in the past the Board has operated under the requirement of not making every business meet the requirement of the parking standards, and he doesn't feel like now is the time to change the way the Board has been handling that situation, but for residential uses, it is critical that the Code requirements are met, but he would like to hear from the rest of the Board Members on how they feel about the situation.

Matthew Bennett stated that he agrees that it would be one thing if it was just for a business, but the fact that there are going to be apartments there, he feels that you cannot have less than a certain number of spots to meet the standard.

Deidre Meier stated that because they are apartments, that means that those residents will

be permanently taking up the space.

Chairman Van Valkenburg, Jr. stated that the proposed project is for 1-bedroom apartments, which require two spots. He would be satisfied with making sure that 16 spots are available for the apartments/restaurant. That doesn't mean that is what the rest of the Board feels, and if anyone else has any comments regarding the situation, they can discuss it tonight.

Patricia Maxwell stated that what the applicant has provided so far shows 8 smaller spaces behind 5-7 Mansion Street. She asked if the applicant has reached out regarding creating additional spaces.

Chairman Van Valkenburg, Jr. stated that that discussion has not happened with the applicant yet.

Deidre Meier asked if she understood correctly that the applicant provided plans showing 8 spots behind 5-7 Mansion Street, and then an additional 13 spots behind 21 Reed Street, but all at smaller dimensional standards.

Chairman Van Valkenburg, Jr. stated that that is correct. Those spots would be fine, but the applicant would have to get a variance for the dimensional standards. The other issue is, because the Board closed the Public Hearing on this project, the Board has 61 days to render a decision. So, if the Board doesn't get anything back from the applicant by the next meeting, the Board will have to deny it based on the fact that the project does not meet the Code standards. He is hoping that the applicant will be present at the meeting tonight. If not, he will relay the Board's discussion to her, tell her what the Board is looking for before the next meeting, and see if that is agreeable. However, the Board will have to come to a consensus prior to the end of tonight's meeting.

Deidre Meier asked if Aaron Flach was planning to put in apartments above the storefronts on the Dolan Block property.

Chairman Van Valkenburg, Jr. stated that that is Mr. Flach's intention with the Dolan Block. However, that use was already calculated into his parking calculations. Anytime there is a new project, or when a building gets demolished and replaced, the parking standards need to be abided by. However, with existing buildings downtown, the Board has traditionally operated with the understanding that parking cannot be created from nothing, and the Board doesn't want to hinder businesses.

Deidre Meier stated that she was thinking of parking solutions for downtown, and the

only way to fix that issue is to get some sort of parking structure. It is not something that everyone would want to look at, but it seems like that is only way to solve the parking issues downtown, is to have a multi-level parking structure. Otherwise, you are going to continuously have a parking problem down there.

Patricia Maxwell stated that she agrees, although she abhors the idea of having a parking structure in the Historic District from a personal standpoint, but to Aaron Flach's point that he voiced at the last meeting, people aren't using the overflow parking now. If the garage is too far away, people aren't going to use it anyway. She thinks that this is something that the Village Board has to address sooner rather than later. It is really important. Even if it is just changing the Code to allow for smaller parking spaces for projects like the one currently before the Planning Board.

New Business

Public Hearing

1. 1 Franklin Street/106 South River Street- Chairman Van Valkenburg, Jr called the Public Hearing to order at 6:15 p.m. for the review of the Minor Subdivision application received from Denise Warren for the purpose of adjusting two lot lines on part of the property adjacent to 5 Hamilton Street, thereby creating a third parcel.

Denise Warren stated that she owns 2 parcels. One with the house, and one along the river. Mike and Maria Pollard live across the street, and she is looking to create a parcel to sell to them.

Deborah Gianola stated that her concern is with one of the parcels that is created being able to be built upon.

Chairman Van Valkenburg, Jr. stated that the parcel doesn't meet the requirements for a buildable lot, because it doesn't have the dimensional requirements.

Denise Warren stated that there is one parcel that would be a buildable lot, that has some fencing encroachments on. However, she is not looking to do anything with that lot yet.

Chairman Van Valkenburg, Jr. stated that per the notes, the parcel will become part of Tax Map #56.20-2-28. So, the parcel that is 95' x 35' is zoned Mixed Density Residential, and would not be a buildable lot. According to the zoning regulations, you need 7,500 square feet total with 100' of frontage. Now, that being said, the parcel that is separated by a street seems to cover the square footage requirement for the frontage. So, he thinks

that so long as the property owner can meet the setback requirements, they could potentially build upon the lot, but he would have to get clarification from the Engineer. He would just like to check that the two areas on the map, separated by a road, are the same tax parcel, and therefore can meet the requirements.

Joseph Wolodkevich stated that the one parcel is a changeover that was owned by Denise & Joe Warren. That property was transferred to Denise Warren.

Chairman Van Valkenburg, Jr. stated that his understanding is that even though the two parcels are separated by a road, if they are the same tax map number, and therefore considered the same parcel, the combined square footage would meet the requirements. Before the Board closes out the Public Hearing, he would like to get clarification from the Engineer and Village Attorney, just to make sure that his understanding is correct. He said that they will leave the Public Hearing open until the next meeting if that is acceptable.

Denise Warren stated that she thought that those questions have already been answered.

Chairman Van Valkenburg, Jr. stated that he did not pose that question to the Engineer and Village Attorney. He would like some clarification first before acting on it.

Denise Warren stated that it meets the square footage requirements and meets the zoning requirements.

Chairman Van Valkenburg, Jr. stated that it does meet the requirements so long as the parcel with the road separating them can be treated as a combined parcel in the sense of using those combined measurements.

Denise Warren stated that she would like to have the Public Hearing done so that she can go ahead with the transaction with this parcel with the Pollard's.

Chairman Van Valkenburg, Jr. stated that he would like to too. However, he cannot make a decision if he is not 100% sure on what the correct answer is. He is not 100% positive that the square footage calculation of both halves of the parcel, separated by the road, equal what the requirements are of 7,500 square feet and 100 feet of frontage.

Deidre Meier asked if Ms. Warren is trying to get this done before the end of the year.

Denise Warren stated that she was under the assumption that she has done everything that she had to do to get to this point.

Deidre Meier stated that the Planning Board may be able to email the Engineer and get an answer before the next meeting.

Chairman Van Valkenburg, Jr. stated that he certainly will try to get an email out quickly in hopes of getting an answer as soon as possible, but he just does not want to render a decision that may not be correct.

Denise Warren stated that she has no intention but to sell the one parcel to the Pollard's and keep the remainder.

Chairman Van Valkenburg, Jr. stated that his only question is regarding whether or not the one parcel that is separated by the road meets the standards by combining the lot size.

Denise Warren asked if she could see the zoning regulations.

Chairman Van Valkenburg, Jr. showed Ms. Warren the dimensional standards section of the zoning regulations.

Denise Warren stated that she is familiar with surveying property, but she did not want to do her own work. She consulted with a Robert Ihlenburg, and his opinion as a licensed land surveyor was that the parcel in question constitutes a Village lot.

Chairman Van Valkenburg, Jr. stated that he does understand, and that is his understanding as well, but he just wants to make sure.

Denise Warren asked if the Board could give her a date of when they might be able to answer that question.

Chairman Van Valkenburg, Jr. stated that he will send an email and get an answer, and as soon as he gets an answer the Board can move forward.

Maria Pollard stated that they don't want to have to wait another month.

Chairman Van Valkenburg, Jr. stated that the Board can leave the Public Hearing open for the day, and as long as there are no negative comments, the Board can decide pending the outcome of the question posed to the Engineer and Village Attorney. He asked if that sounded reasonable.

Denise Warren asked what could be a negative answer to the question.

Chairman Van Valkenburg, Jr. stated that the only negative answer would be that the parcel that is separated by a road does not qualify since they are separated and not touching.

Denise Warren stated that this parcel existed in her deed since the beginning of time when she bought the property in 1996. It has always been on the other side of the road.

Chairman Van Valkenburg, Jr. stated that he understands that. However, it is a pre-existing, non-conforming lot. It doesn't meet the dimensional requirements based on the zoning code.

Deidre Meier stated that when you go to change something, or add something, the new zoning requirements take effect, and that is when it becomes a question. We don't feel like it is going to be an issue. The Chairman is just trying to make sure that he is checking all of the boxes.

Patricia Maxwell stated that it didn't matter before because the parcel was together, including the curve, to the parcel being sold, so the standard of the lot size was met, but by taking away the piece that Ms. Warren is selling to the Pollard's, she is doing something that is no longer grandfathered because you are dividing it into two parcels. So, the parcel that remains, aside from what is being sold, has to conform to Village Code.

Denise Warren stated that she will just sell the Pollard's the whole thing then.

Chairman Van Valkenburg, Jr. stated that then Ms. Warren would have to change the whole map.

Denise Warren stated that it sounds like the Board is telling her that she cannot do what she is proposing.

Chairman Van Valkenburg, Jr. stated that the Board is not telling Ms. Warren that. He just wants clarification to be sure, that's all. He doesn't want to make a decision based on his assumption, and have it be wrong.

Deidre Meier stated that the Board wants to work with Ms. Warren. The Board just wants to make sure that they are not giving any surprises when filing with the County.

Chairman Van Valkenburg, Jr. stated that he doesn't want to see Ms. Warren have an

issue when filing with the County, and have them say that she cannot do that since it is not a valid parcel, that's all. The Board will review this, and he is assuming they will approve it, which he doesn't think will be a problem, pending the clarification with the Village consultants.

Denise Warren asked who the Village consultants would be.

Chairman Van Valkenburg, Jr. stated that it would be the Village Engineer and Attorney.

Denise Warren asked who the Village Attorney is.

Chairman Van Valkenburg, Jr. stated that the Village Attorney is Robert Stout. He said that he will reach out to him and carbon copy Ms. Warren on the email to get an answer.

Deidre Meier stated that based on that, as soon as the Board gets an answer it can be pushed right through.

Denise Warren asked what she does about the fact that somebody is encroaching on her land.

Chairman Van Valkenburg, Jr. stated that that is a Code Enforcement issue. If that doesn't work, she should talk to the Village Board.

Deidre Meier stated that if that doesn't work you usually would have to get a lawyer.

Chairman Van Valkenburg, Jr. stated that it is just that one point of clarification that they need. He apologizes for not catching it and seeing it sooner, but he thinks that it should be fine, but he just wants to be sure of that. So, he thinks that what the Board will do, is when they close out the Public Hearing, they will discuss it, and likely approve it pending the answer from Counsel or the Engineer. Once they receive that answer, he will let Ms. Warren know, and stamp the plans and get them to her as soon as they are done. By approving it pending the response from the consultants, they don't have to keep this lingering and waiting for another meeting. He thinks that that is fair for everybody. He just can't approve something if he is not 100% sure, as you know. He thinks that maybe it will hold Ms. Warren up by a couple of days rather than a month.

Joseph Wolodkevich asked if he understood correctly that the lot across the street from the lot that the Pollard's are looking to purchase would always be an unbuildable, non-conforming lot, as it does not satisfy any setbacks. So, there would never be any construction on that lot.

Deidre Meier stated that the Pollard's already have a house on the one lot.

Joseph Wolodkevich asked if once the lots are joined, they could put a second house on the lot.

Deidre Meier stated that that would be two houses on one lot, and that cannot be done in that residential zoning. They would not be able to build on that other side.

Michael Pollard stated that the other issue is that half of that lot is underwater as well.

Denise Warren stated that the only way that lot would be buildable is if someone were to get a permit from the Army Corps of Engineers and bulk head it back up.

Chairman Van Valkenburg, Jr. stated that whether it is buildable or not, it meets the dimensional requirements for a lot, so that is what the Board is looking at. They don't care if half of it is underwater, because it is deeded to the parcel. It is 150' and it is 13,000 square feet, which meets the requirements.

A motion to accept closing the Public Hearing at 6:33 p.m. was made by Deidre Meier and seconded by Patricia Maxwell. Chairman Van Valkenburg, Jr. voted yes. Matthew Bennett voted yes. Patricia Maxwell voted yes. Deidre Meier voted yes. The motion carried.

New Business

1. 1 Franklin Street/106 South River Street-

Joseph Wolodkevich stated that in approximately 1987 there was an agreement made about one of the parcels in question. That is why there has been a fence on one of the parcels since Teri Osborn bought the neighboring property. That has been under the care of the neighboring property prior to when Mr. Wolodkevich even purchased it 5 or 6 years ago. That fence has been there since the 80's. They also cut a tree down, because insurance wouldn't insure their house if they hadn't cut it down that was on the property in question. He said that according to the current tax maps, a section of the parcel that is listed on Ms. Warren's survey maps is incorrect.

Patricia Maxwell stated that the tax maps are only updated once a year.

Denise Warren stated that tax maps aren't as accurate as an actual survey. She did a ton

of research, and her surveyor did a ton of more research.

Joseph Wolodkevich stated that when he purchased that neighboring parcel, the numbers on Ms. Warren's survey map don't match up with the numbers in the deed that was given.

Denise Warren stated to Mr. Wolodkevich that when he purchased it, he had no survey done.

Joseph Wolodkevich stated that per the current tax maps that are on file with the County, the information doesn't match what is on Ms. Warren's survey map.

Denise Warren stated that there is note on the survey map stating the dimensions of what the research shows. She said that Mr. Wolodkevich is benefiting from the work that the surveyor did.

Patricia Maxwell stated that this similar thing happened on Reed Street with the review of what is now the Coxsackie Creamery. In that situation, they still showed a piece of land on the tax map that does not belong to them, even though both parties had a survey done.

Joseph Wolodkevich stated that what he is going by is what was certified with the deeds that are filed with the County.

Patricia Maxwell stated that she thinks that Mr. Wolodkevich should take it up with the County.

Joseph Wolodkevich stated that until that is resolved, that is his concern.

Denise Warren stated to Mr. Wolodkevich that he is actually gaining land. She asked him why he would complain about that.

Patricia Maxwell stated that it doesn't affect this transaction.

Chairman Van Valkenburg, Jr. asked Mr. Wolodkevich to clarify if he is disputing the lot line adjustment that affects this transaction.

Joseph Wolodkevich stated that that is correct.

Denise Warren stated that the note on the survey states that Mr. Wolodkevich's lot is described 25 feet wide by 90 feet deep from a deed in 1925. She asked Mr. Wolodkevich

how it could be any wider.

Joseph Wolodkevich asked Ms. Warren to not talk to him like he's an idiot.

Denise Warren stated that she just doesn't know if everyone understands title research. Since 1925 it was 25 feet wide, how could it ever have been any wider?

Chairman Van Valkenburg, Jr. stated that he understands, and this survey map was submitted by a licensed surveyor with a stamp on it.

Denise Warren asked if Mr. Wolodkevich thought that his property should be wider.

Chairman Van Valkenburg, Jr. stated that he is not sure what Mr. Wolodkevich's discrepancy was. He is going with the stamped plans from the licensed surveyor.

Denise Warren stated that the problem is Mr. Wolodkevich bought the property without a survey, so he doesn't know what he owns.

Michael Pollard stated that there has been grumblings about this going way back. They claimed that if they cut the grass, they were going to take it by adverse possession.

Denise Warren stated that they just added more stuff over the property line including a shed. She stopped and talked to him to let him know that she just had the property surveyed and he is over the line, and they put the shed up anyway. It is a rental property for Mr. Wolodkevich.

Chairman Van Valkenburg, Jr. stated that the survey map is submitted by a licensed surveyor, was stamped, and they have done their research.

Chairman Van Valkenburg, Jr. stated that the Planning Board needed to read the SEAF Part 2 questions aloud pertaining to the Minor Subdivision for Denise Warren for 1 Franklin Street/106 South River Street. The Board responded with answers supporting the declaration that there were no significant adverse environmental impacts.

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

A motion to approve the Minor Subdivision application received from Denise Warren for 1 Franklin Street 106 South River Street pending clarification from either the Village Attorney or Village Engineer, whomever is deemed best to answer the question regarding

whether the parcel that is separated by a road, but yet holds one tax map number, can be considered as one viable lot per the dimensional standards as set forth in the Village Code was made by Deidre Meier and seconded by Patricia Maxwell. Chairman Van Valkenburg, Jr. voted yes. Matthew Bennett voted yes. Patricia Maxwell voted yes. Deidre Meier voted yes. The motion carried.

Chairman Van Valkenburg, Jr. stated to Ms. Warren that he will send an email to the Village Attorney and Village Engineer tonight to pose the question about the parcel. As soon as he gets an answer, he will get the plans stamped and back to her. He asked if that sounded reasonable.

Denise Warren stated that that sounded reasonable and thanked the Board.

2. 40 Bailey Street- The Sketch Plan Conference for a potential Site Plan application received from Ed Ross, of 40 Bailey Street, for a change of use was tabled.

Old Business

1. 5-7 Mansion Street- Chairman Van Valkenburg, Jr. stated that because the practice the Board has always followed is parking not being able to be created out of nothing, the requesting of the additional spots, and the suggesting that they do get a variance to reduce the size to make it more manageable, that is what he is going to propose to the applicant if the rest of the Board is in agreement with that.

Deidre Meier stated that she is in agreement with that.

Patricia Maxwell stated that she is in agreement with that as well.

Chairman Van Valkenburg, Jr. asked if the Board is looking for a minimum of 16 spots.

Patricia Maxwell stated that that is what she feels is appropriate.

Chairman Van Valkenburg, Jr. stated that he is in agreement.

Patricia Maxwell stated that per the maps submitted, the applicant currently shows 21 total spots at a reduced size. So, they ought to be able to create 16 full standard spots or get the variance for the 21 reduced size spots. They have a choice of one or the other, but the variance would be better because that would allow for more flexibility.

Chairman Van Valkenburg, Jr. stated that if the applicant can do that then they can approve it once a variance has been given by the Zoning Board. The only concern he has is with the 60-day rule. That would mean that the Board has to decide something by the January meeting.

Public Comment Period

No public comments were offered.

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

The meeting was adjourned at 6:51 p.m.

Respectfully submitted,


Nikki Berezna
Clerk