

**VILLAGE OF COXSACKIE  
PLANNING BOARD MINUTES  
January 18, 2024**

Chairman Robert Van Valkenburg, Jr. called the Planning Board Meeting to order at 6:03 p.m. Present were Planning Board Members: Matthew Bennett, Jarrett Lane, Patricia Maxwell and Deidre Meier.

A motion to approve the minutes from the December 21, 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. Jarrett Lane abstained. The motion carried.

**New Business**

1. **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 removed from the agenda, due to no application or update received from Mr. Ross.

**Old Business**

1. **5-7 Mansion Street-** Chairman Van Valkenburg, Jr. stated that the Board needs to continue their review of the Site Plan application received from Amy Bennett, of 5-7 Mansion LLC, for the rehabilitation of 5-7 Mansion Street. The proposal is for 8 apartments on the upper floors as well as a commercial restaurant space on the bottom floor. At the last meeting, the Board discussed the requirements set forth in the Village Code, and it was determined that the applicant needs to provide 13 parking spots. However, they came to that decision without any input from the applicant since she was not present at the last meeting. He would like to take this opportunity to let the applicant have a discussion with the Board about her thoughts, and any compromise they may be able to come up with.

Amy Bennett, of 5-7 Mansion LLC, via Zoom video conference, stated that she is sorry that she did not attend the last meeting, and she apologized that she is unable to attend this meeting in person.

Chairman Van Valkenburg, Jr. stated that that is perfectly fine. He would just like to go over what the Board discussed at the last meeting with her. Basically, the Village Code requires 2 spots per every unit. Whether or not that is fair, that is what is required per the Village Code. Typically, the path forward for Ms. Bennett would be for her to seek a

Variance for this. It would be an Area Variance, which would not be too onerous. This would be handled through the Zoning Board of Appeals. Before the Planning Board renders any kind of decision on the application, he would just like to hear from her on whether or not she has been able to find any more parking, or if she has found a plan to create more parking on site that might help meet the requirements in any way.

Amy Bennet, via Zoom Video Conference, stated that when she first looked at this project she had reached out to a couple of people over the concerns about parking for a pre-existing piece of land. This is an existing building, not a new build. The burden, since this was active as recently as 2 years ago, is that she wasn't fully aware that it would be expected that this would be treated the same as a new build. Anybody downtown that wants to put a business in, or bring back to life some of these buildings to make them habitable and create a vibrant downtown, there are just some natural space constraints. Each piece of land only has so much space. She cannot create more land, and she can't make the parking spots smaller. She asked if what the Board is looking for is 16 total spots plus some for the restaurant as well.

Chairman Van Valkenburg, Jr. stated that that is incorrect. The Board is looking for 16 spots total. They are taking into consideration the 3 spots on the street in the front, and are looking for 13 spots to be created either on this parcel, or on adjoining or adjacent parcels that she owns or controls. When the Board discussed this, they laid out the paths forward that they could find. One would be to go for an Area Variance for the dimensional standards for the parking spots, which would require the Zoning Board interaction. That would reduce the size of the spots in order to accommodate as many as possible on the property, within reason. He thinks that everybody does want to see the development to continue downtown, and are excited to be a part of it, but the question is how can it be done in a way that is sustainable, and how can it be done in a way that meets all of the codes as they are written now. Technically, the way that can be done now, is for this project to acquire a Variance, because it just can't possibly meet the Code. Now, the Board has always operated under the assumption that the Planning Board has the ability to waive some of the requirements. However, they cannot eliminate all of the Code requirements. That would be basically like saying that the law is invalid and just allowing everything to happen. So, the Board has traditionally operated under the assumption that businesses downtown are going to require parking, and there is parking on both the street and in the park, so they have allowed that as part of the calculation for businesses. Now, when it comes to housing, the overall opinion was that that is sort of a different animal, because these spots are potentially going to be occupied during business operation hours, or potentially be vacated during the day allowing businesses to park there. They are trying to avoid the situation where somebody is coming home late at night to their apartment, and they may not be able to find a spot nearby on the street. So, that is

the other impact that causes issues, that they are taking into consideration as well.

Amy Bennet, via Zoom Video Conference, stated that she appreciates that, but from an entrepreneurial perspective, that then affects the people that would want to live in the apartments and what they would be willing to pay. If it is a pain to park downtown, that may affect someone's decision. In terms of overflow parking for the riverfront, she has definitely been down there and has noticed that there are not a lot of cars utilizing it in the evenings. So, she is not sure that the village is at a pressure point with parking yet. She thinks that Coxsackie is still on the way to get a vibrant commercial corridor, because the two go hand in hand. If people are going to be living downtown, then they utilize those businesses downtown as well. That is her perspective. She thinks that this is a common thing everywhere, where people want to invigorate historic downtowns. She thinks that Coxsackie is very fortunate in that it has a big mover with a bunch of other smaller participants, and she feels that the village has the seeds of what needs to happen there. There aren't that many existing buildings downtown that need to be rehabilitated. There's 5-7 Mansion Street, there's 13-17 Reed Street, and there's the Dolan Block, but she thinks that that parking has already been accounted for. She doesn't know if there are any other vacant buildings. There are definitely storefronts that are not currently being open for retail, but she thinks that that might be it as far as buildings are concerned. She feels that there should be more of a differentiation between pre-existing and new development.

Chairman Van Valkenburg, Jr. stated that that is an issue within the Village Code. When a building is not used, or vacant, or there is a change of use, it does require Planning Board review, which is going to be the same whether it is new construction or not. With new construction, the Board would certainly be a little more strict as far as what they require, but this project is something that the Board is not requiring any parking for the businesses, and he thinks that 13 spots is a reasonable number.

Amy Bennett, via Zoom Video Conference, asked where these 13 parking spots would be. She said that there are 3 out front, and then she needs to find 13 other spots somewhere. She had her architect do drawings showing smaller parking spots in the back.

Patricia Maxwell asked Ms. Bennett if she could create 5 small spots behind the General Store, just like she did with the 8 small spots behind 5-7 Mansion Street. That is vacant land that is not being used except for a dumpster, and is right next to 5-7 Mansion Street. She asked if it was possible given that stretch of vacant land behind the building and the deck, if there could be 5 spaces dedicated to 5-7 Mansion Street, and it wouldn't impact 21 Reed Street at all. Then, she would only have to go for the Variance for the smaller spaces. So, it kind of seems like an easy solution.

Amy Bennett, via Zoom Video Conference, stated that that would require her to tie the two properties together in perpetuity. As a practical matter, there are spots behind there being used by residents of 1 Mansion Street, 49-53 Reed Street, and 45 Reed Street. So, it is currently being used, and she had them put gravel down because there is a lot of mud. If she dedicated that and tied the two parcels together, and did an easement or something, it doesn't really create more parking.

Chairman Van Valkenburg, Jr. stated that they wouldn't require tying the two parcels together, it would just be an agreement that runs with the land stating that those spots are available for residents to use. He said that it sounds like Ms. Bennett really doesn't want to pursue that.

Amy Bennett, via Zoom Video Conference, stated that it is not that she does not want to pursue it, it is just that she already has enough apartments in that three building parcel that would need that parking.

Patricia Maxwell asked if Ms. Bennett had apartments in the General Store building.

Amy Bennett, via Zoom Video Conference, stated that she has apartments above the General Store.

Patricia Maxwell stated that she thought that it was only Short-Term Rentals above the General Store.

Amy Bennett, via Zoom Video Conference, stated that there are 2 apartments, and 2 Short-Term Rentals that she would actually like to have as month-to-month rentals, as that fits the needs of the area. She registered them as Short-Term Rentals, but she has a monthly tenant in one of them. The center building technically has no parking because it is a little wedge, but it has 2 apartments that have always been there. She also has 4 apartments in the other building that she owns. She is not required to get parking for those since they have always existed, but she still has people in those apartments with cars that need to park somewhere.

Deidre Meier stated that they are grandfathered in since there has been continuous use of those apartments. Now, if she was to do something to those buildings to add apartments, then she would have to come again before the Board and the parking would be an issue. So, anytime something downtown is disturbed, the Board has to apply the new Code to these things, and you would lose the grandfathered status. That is what the difference is between 5-7 Mansion Street and the apartments above the General Store.

Amy Bennett, via Zoom Video Conference, stated that she completely gets that, she is just saying that it is a little tricky to say that there is extra parking behind the General Store because although she hasn't had to go before the Planning Board to put parking there, she still has people living in the apartments that are likely to have cars.

Patricia Maxwell stated that that is her ignorance. She did not realize that Ms. Bennett had permanent tenants there. That is the only reason she originally made her suggestion about the parking on the other parcel.

Amy Bennett, via Zoom Video Conference, stated that her personal point of view is that for historic downtown main streets to revitalize, you need people to live, work, and play there. That is why weekend people with the Short-Term Rentals is fine, but if she can actually get people to reside downtown, that would be better for businesses etc.

Chairman Van Valkenburg, Jr. stated that he thinks that the Board is 100% on the same page as Ms. Bennett as far as what they would ideally want for downtown. However, their hands are tied a little bit, because if they just ignore parking regulations for one project, then some bigger project comes in, and even though Planning Board decisions are allegedly not precedent setting, they don't want a problem down the road. Really there is a process that should be followed when the Board finds that a lot is not going to work for the use that is intended, and that process is to go to the Zoning Board and request variance relief. He feels that they are walking the line as far as the abilities of the Planning Board to waive things, in saying that with commercial spaces, they say that they understand the situation down there as far as parking, and they don't want to hold up business unduly, or put an extra burden on people, so they have all felt that it is appropriate to not require the total amount of parking spaces for these buildings on Reed Street that have no parking behind them, and not other property other than the street in front of them. They understand the situation.

Amy Bennett, via Zoom Video Conference, stated that she thinks that all the Board is required to do is think rationally, and she feels that there is a rational distinction between her building which is a pre-existing building, that has been out of commission for two years, vs. a new construction project.

Chairman Van Valkenburg, Jr. stated that technically what the Board is required to do is to determine if something meets the Village Code, and if it doesn't, determine how they can make it meet the Code, or refer the applicant to the Zoning Board. Like he said, they are walking a line a little bit by not requiring parking for commercial spots downtown, and that is a long-standing tradition as that area has developed over the past 10 years. So, they are completely comfortable with that as far as eliminating other regulations. He

asked Ms. Bennett what she could provide for on-site parking. He asked what her architect determined is realistically available for parking behind the building.

Amy Bennett, via Zoom Video Conference, stated that she thinks it was 8 parking spots, but that was with the smaller dimensional standards.

Chairman Van Valkenburg, Jr. stated that if that is the case, it would require a Variance. The Planning Board does not have the ability to change dimensional standards. That is purely a Zoning Board thing. He asked if Ms. Bennett knew how many parking spots could be created using the regular parking spot dimensions.

Amy Bennett, via Zoom Video Conference, stated that she thinks it may be 6 parking spots. It is not only the size that is the issue, but also access to getting to them.

Chairman Van Valkenburg, Jr. stated that it sounds like she can create 6 parking spots in the back and 3 spots in the front for a total of 9. He would like to have a discussion amongst the Board about how everyone else feels about that.

Deidre Meier stated that she feels that since there is the option to go and obtain that Zoning Variance to allow for more parking spots, that that is the way that the Board should lean, because it allows for more parking spaces for those cars. The Board is already allowing the 3 spots in the front to count towards the total, so they are mitigating that problem, but also requiring her to get a variance, and meeting in the middle. This way she does not have to change the plans, or scrap the project. She thinks that this is a doable thing, and she can probably meet with the Zoning Board of Appeals next month. She feels that this is a very good compromise. She understands everything that Ms. Bennett has put forth, and her feelings about this, but she feels like there is a solution that kind of works out for everybody.

Amy Bennett, via Zoom Video Conference, asked if she understood correctly that she would be going to the Zoning Board to get the change in size of the parking spots to create 8 spots.

Chairman Van Valkenburg, Jr. stated that Ms. Bennett can request any variance she wants from the Zoning Board. She could even request not to have any parking, and then that would be up to them. He said that Ms. Bennett could also request change in the dimensional standards, as well as relief from the Planning Board decision requiring 13 spots. He thinks that it is all very doable, and the Zoning Board has the power to make the determination of what is reasonable and what is not, whereas the Planning Board technically needs to make sure whether it can meet the standards of the Code. There is

some verbiage in there stating that the Planning Board has the ability to change requirements, but he does not believe that they have the ability to just negate requirements. He wants to do things in a way that is going to be defensible by the Planning Board, and also protects them from if in the future residents or businesses complain about why 5-7 Mansion was allowed to do this, the Board can say that they reviewed the project, reviewed it against what is in the Village Code, and directed the applicant to seek Variance relief. That is his position. The Board is certainly a fan of what is going on downtown, and he is a huge proponent of having housing downtown as opposed to Short-Term Rentals. He thinks that that is very important for the community and for businesses to be able to thrive during the week. The Board has no issues with what the applicant is trying to do down there, they are just trying to find a way to do it without skirting the laws.

Amy Bennett, via Zoom Video Conference, stated that she understands that the Board needs to honor their fiduciary responsibilities.

Chairman Van Valkenburg, Jr. stated that it is also to protect applicants in the future. There may be future applicants that have a project that might affect Ms. Bennett's property negatively as well. They want to try and make everything work in a sensible, reasonable way, while still staying within the confines of the Code. He asked Ms. Bennett if it sounded like she would be seeking some kind of Variance relief for this issue.

Amy Bennett, via Zoom Video Conference, stated that it sounds like she would probably have to, she just was able to take another look at the architect's findings, and he stated that per the Code he was able to get 6 spots in the back, plus the 3 in the front, for a total of 9 parking spots. She can get an additional 2 if they change the size of the parking stalls. So, that would be a total of 11 instead of 9.

Chairman Van Valkenburg, Jr. stated that if Ms. Bennett is in agreement with that, the next step would be for the Planning Board to render their decision requiring 13 spots, then referring the applicant to the Zoning Board for Variance relief. He asked Ms. Bennett if that sounded reasonable and agreeable to her.

Amy Bennett stated that that sounds reasonable, and she appreciates that the Planning Board is educating her on the whole process along the way.

Chairman Van Valkenburg, Jr. stated that he needs to figure out the referral process, but the Planning Board needs to make a decision on the application. The Board did not have a formal discussion stating that they would agree to lower the spots from 13 to 11, but if the applicant is seeking a Variance, he doesn't know that it really matters. At the last

meeting, the Board asked for 13 spots to be created to satisfy the Code, which is 2 spots per unit. He asked the other Board Members if they would like to make a change based on what was discussed this evening, or should they require 13 spots including the 3 in the front for a total of 16.

Patricia Maxwell asked if the Planning Board has to approve anything before it goes to the Zoning Board.

Chairman Van Valkenburg, Jr. stated that he thinks that they just have to show the Zoning Board what the Planning Board was asking for from the applicant.

Patricia Maxwell stated that she agrees, but if the Board has already swayed away from 13 spots because there is no way that it can be done, and they are asking for a Variance for 11 spots, which she would think would be to everybody's benefit because they are smaller, and most cars would fit in them, that shows more compromise and meeting in the middle as Deidre said earlier. So, if the Planning Board can agree to conditionally approve the 11 spots. It can also be done relatively quickly, because in the past the Zoning Board had met on one night, and the Planning Board can meet after, or the next night, depending on availability. This way it doesn't hold up the applicant unnecessarily.

Amy Bennett, via Zoom Video Conference, stated that that would be fantastic. She would be happy with whatever path the Planning Board is on board with. That is one of her big concerns too. She just doesn't want it to be a really long and drawn-out process.

Chairman Van Valkenburg, Jr. stated that the Board absolutely understands that. They will do anything in their power to help speed things along.

Deidre Meier stated that she is ok with the compromise of the 11 spots, and if she can get a variance for the smaller parking space dimensions, then she would be willing to make that compromise so that Ms. Bennett can move forward with the project.

Patricia Maxwell stated that the Board has already held a Public Hearing for this project, so the Board can make a conditional approval based on obtaining a Variance for 8 parking spots in the back, and 3 in the front, for a total of 11 parking spots.

Chairman Van Valkenburg, Jr. asked Ms. Bennett if this is something that is workable for her.

Amy Bennett, via Zoom Video Conference, stated that that would be absolutely doable. She will try her best for approval from the Zoning Board.



Chairman Van Valkenburg, Jr. stated that she will seek an Area Variance for relief of the parking stall size, and that is pretty much the only Variance that she will need, because if she can get 8 spots back there, then everybody is good. Just one Variance just for the stall size. That being said, the Planning Board is going to approve this project pending the result from the Zoning Board for the Variance relief of the parking stall size, placing 8 spots behind the building, with 3 spots in the front, for a total of 11 spots. He asked Ms. Bennett if that sounded agreeable.

Amy Bennett, via Zoom Video Conference, stated that that sounds fantastic, and she will try her hardest. She thinks that that is actually a win-win if she is approved for smaller spots. That seems to be the way the world is going, with smaller, more efficient vehicles. She thinks that that is very forward thinking, and she appreciates it.

A motion to approve the Site Plan application received from Amy Bennett, of 5-7 Mansion LLC, for 5-7 Mansion Street pending the decision from the Zoning Board of Appeals for the Area Variance relief of the parking stall size, placing 8 parking spots behind the building, with 3 parking spots in the front, for a total of 11 parking spots, was made by Deidre Meier and seconded by Jarrett Lane. Chairman Van Valkenburg, Jr. voted yes. Matthew Bennett voted yes. Jarrett Lane voted yes. Patricia Maxwell voted yes. Deidre Meier voted yes. The motion carried.

Chairman Van Valkenburg, Jr. stated that he will be in touch with Ms. Bennett regarding the next steps. The Planning Board will refer this project to the Zoning Board of Appeals. The Clerk will have to work with the Zoning Board Members in order to schedule a date to meet. The Planning Board's decision has been made. The Planning Board has approved the project pending the decision of the Zoning Board of Appeals.

Amy Bennett, via Zoom Video Conference, thanked the Planning Board and stated that she will look forward to hearing from the Clerk on whether there are any notification requirements, or anything that she will have to do on that end.

Chairman Van Valkenburg, Jr. stated that the Area Variance for Zoning Board will require another Public Hearing. He thanked Ms. Bennett for working with the Board on her project. They are all big fans of what is going on downtown and want to see it grow, but they want to make sure that the Board is not mis-stepping.

Chairman Van Valkenburg, Jr. stated that the Planning Board needed to read the SEAF Part 2 questions aloud pertaining to the Site Plan application received from Amy Bennett, of 5-7 Mansion LLC, for 5-7 Mansion 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.

Chairman VanValkenburg, Jr. stated that someone will be in touch with Ms. Bennett regarding the referral and next steps for her. He asked Ms. Bennett to please have her architect come up with a plan to present to the Zoning Board, that is going to show exactly what she would like to do with the 8 spots behind the building.

Amy Bennett, via Zoom Video Conference, stated that her architect has already drawn up these plans.

**Public Comment Period**

No public comments were offered.

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

The meeting was adjourned at 6:38 p.m.

Respectfully submitted,

  
Nikki Berezna  
Clerk