

**VILLAGE OF COXSACKIE
ZONING BOARD MINUTES
February 29, 2024**

Chairman Sal Bevilacqua called the Zoning Board Meeting to order at 6:06 p.m. Present were Zoning Board Members: Christopher Chimento and Brian Tighe. Brian Goble and Debra Jung were absent.

A motion to approve the minutes from the October 3, 2022 Zoning Board Meeting was made by Chairman Bevilacqua and seconded by Christopher Chimento. Chairman Bevilacqua voted yes. Christopher Chimento voted yes. Brian Tighe voted yes. The motion carried.

New Business

Chairman Bevilacqua stated that the Zoning Board of Appeals received a request for an area variance from 5-7 Mansion LLC, principal Amy Bennett, for property located at 5-7 Mansion Street, for the purpose of obtaining a variance for the relief from parking requirements, with satisfaction of requirements for an 8 unit residential building with commercial restaurant below, by the establishment of 6 standard 9' x 20' spots, or 8 spots measuring 9' x 18', as seen in the submitted plans. This location is zoned Village Center. The Clerk is aware that they have sent out all of the required notices to residents within 500 feet of their property line. The application and associated documents will be reviewed tonight, and the Public Hearing will be opened.

Public Hearing

Chairman Sal Bevilacqua called the Public Hearing for the Area Variance for 5-7 Mansion Street to order at 6:07 p.m. Present were Zoning Board Members: Christopher Chimento and Brian Tighe.

Amy Bennett, of 5-7 Mansion LLC, stated that she is seeking an Area Variance for the parking requirements. She would like to discuss the difficulties she would endure if the Variance is not granted, and how the Variance would affect the character of the district. The property is located at 5-7 Mansion Street, and used to be home to the Lower Landing restaurant. It also had residences above, but because it was out of commission for more than 2 years due to storm damage, she was required to go before the Planning Board for a Site Plan approval. The Planning Board could not approve the Site Plan without her seeking a Variance from the Zoning Board of Appeals. She thinks that it's an important project for the village.

Brian Tighe asked what it was that the Planning Board could not approve.

Amy Bennett stated that the Planning Board could not approve the plan as submitted, because it needed a Variance from the ZBA for the parking. However, they conditionally approved the Site Plan based upon the ZBA approving a Variance for a total of 11 parking spots, including the 3 on street parking spots out front. In the rear, she could get 6 standard sized 9' x 20' parking spots, or (8) 9' x 18' parking spots. With the 8 spots, that would work out to 1 spot per apartment, and

she could tell her future tenants that only one car is allowed. She submitted the full plans for the apartments to the Planning Board, which shows that they are all 1 bedroom apartments. She thinks that additional housing is important to the downtown area. This building had pre-existing usage of a similar nature as to what she is looking to do now. She would like to see the village have a lot more residences, because she is a retailer in Brooklyn, and she knows the importance of having people live where they also work, play, and purchase goods. The practical difficulties from not receiving the Variance would be that without 8 apartments, she doesn't know what the value perspective would be for the building. She is not looking to make crazy money off of this, but she needs to go to the bank and present a business plan in order to get a business loan. 8 apartments that are reasonably priced, would actually support a loan to get the building rehabilitated. That is her desire to bring the building back to life.

Chairman Bevilacqua asked if he understood correctly that she is seeking 11 total parking spots, with 8 in the back, and 3 on street parking in the front.

Amy Bennett stated that that is correct. It is a question of whether she could get approval for 6 standard spots in the back, or (8) 9' x 18' spots.

Brian Tighe asked what is behind the building now.

Amy Bennett stated that it was muddy behind the building, so they put some gravel down. So, it is just a gravel area now. That part of the village is weird since the property lines come to a point.

Chairman Bevilacqua asked if she owns the General Store as well.

Amy Bennett stated that she owns that property as well.

Chairman Bevilacqua stated that the tax maps have not been updated to reflect that yet.

Amy Bennett stated that the Planning Board did discuss the potential for her to utilize the neighboring properties she owns for parking, but the problem is that that would require easements, or changes to the deeds, and also, she already utilizes the parking behind her neighboring properties for tenants in those buildings to be able to park.

Chairman Bevilacqua asked if any additional clearing needs to be done behind 5-7 Mansion Street.

Amy Bennett stated that there is no additional clearing that needs to be done.

Cynthia VanStone asked if she would be able to come up and take a look at the plans, as she and Samuel Mento are neighbors to this property.

Chairman Bevilacqua stated that he had emailed her the Site Plan and parking proposal, but she is free to come up and take a look at the plans.

Cynthia VanStone stated that they own 9-11 Mansion Street. Their parking is not connected to 5-7 Mansion Street, because there is a strip of grass in between. The parking for all of buildings bordering Betke Boulevard can get confusing. They have a tenant in their building, which is Elaine Lasda, that needs to park her car. Her concern, is that since the property lines go to a point, it creates a mess in the back of cars trying to get in and out. Her tenant started parking on the street in the front, because when she tried to park in the back, she was constantly getting blocked in.

Chairman Bevilacqua asked if he understood correctly that Mrs. VanStone has enough space to park in the back, but she doesn't have an outlet.

Cynthia VanStone stated that they have an outlet, but the trouble is that if something were put along the property line to keep it differentiated, she doesn't know how cars are going to maneuver. That is her concern. Especially with 8 parking spots.

Amy Bennett stated that she understands what Mrs. VansStone is saying, but she is not planning on erecting anything between the properties.

Cynthia VanStone stated that she is actually thinking about erecting something. Her only issue is that she wants to keep her tenants able to go in and out. She is also concerned about only having 3 on street parking spots for the restaurant. If you take a look at Reed Street now, there is very limited parking already.

Amy Bennett stated that she could do 6 smaller spots if that is what the ZBA desires. She is just trying to abide by whatever is approved. She wants her neighbors to be happy, but she also needs some parking for vehicles. She also has parking space at another property, but it is not adjacent, so she cannot easily do an easement. As a practical matter, she cannot tell tenants that they have to park at a different lot. The compromise that the Planning Board was happy with was the 8 spots in the rear, and 3 on street out front.

Chairman Bevilacqua stated that the ZBA's goal for tonight is looking at approving the 2 foot smaller parking dimensions, specifically.

Clerk Nikki Berezna stated that when the project went to the Planning Board, the whole reason that it did not pass was because the Village Code requires 2 parking spots per unit. So, that is why the Planning Board approved it contingent upon the applicant getting a Variance based on the recommended 8 spots in the rear, and 3 spots on street parking out front, for a total of 11 spots. In order to hit the requirement of 11 spots, the 8 spots in the rear would have to be reduced to the size of 9' x 18'.

Chairman Bevilacqua asked if the parking spots would be lined or somehow marked. He said that gravel is tough to put a line on. He knows from experience that just keeping the lines organized when not paved can be a nightmare.

Amy Bennett stated that it is gravel right now, but she could contemplate paving it.

Cynthia VanStone stated that if it is asphalt it could lead to flooding issues there. She is looking to put something like railroad ties to show the divide between the two properties.

John Benson stated that he has a concern over the on street parking. He asked how many on street parking spots there will be.

Chairman Bevilacqua stated that there will be 3 on street parking spots, and 8 spots in the rear.

John Benson asked if the on street spots will be reduced in size as well.

Amy Bennett stated that the on street parking spots will remain the same, the Board is just taking into account that there is spots in front of the building that can be utilized in addition to the spots behind the building.

Margaret Benson asked if there was any concern with the on street parking shifting in the next of months, with all of these proposals coming through via the Local Planning Committee (LPC) meetings. She was reviewing the meeting minutes from the LPC meetings regarding the NY Forward Grant projects, and it seems that there are going to be swales put in, which will be removing some parking spots in front of some buildings. That will be removing a significant amount of parking. She feels that that should be taken into consideration, not just for this project, but for proposed projects moving forward.

Chairman Bevilacqua stated that he had reviewed those plans earlier, and saw that one of the proposed projects will be extending the curbing.

Catherine Benson stated that when looking at the Village's proposed plan, what is in pink is the existing area, and what is in blue is what is proposed. It also shows an artist's rendering of what it should look like with the swales in place and no parking.

Amy Bennett stated that the NY Forward Grant projects are only proposed. They have not been approved.

Catherine Benson stated that the project they are discussing is the Village's NY Forward Grant proposal.

Chairman Bevilacqua stated that none of these projects have technically been approved yet.

Catherine Benson stated not yet. They are at the NYS level.

Clerk Nikki Berezna stated that Ms. Bennet's project will be treated similarly to other businesses operating in the downtown area with on street parking. There are not "reserved" spots, it is simply first come, first served.

Amy Bennett stated that it would be a shame to hold a project up because of what may or may not be awarded through the NY Forward Grant.

John Benson asked if it is possible that more than 3 people from the proposed apartments would be parking on the street as well. Ms. Bennett states that there are 8 spots in the rear, but that doesn't mean that there won't be more people than that parking on the street as well. It is pretty congested downtown already. Ely Street is essentially a one way street because of all of the cars that have to park there.

Catherine Benson stated that the Village is proposing to have Ely Street only have parking on one side of the street.

Margaret Benson stated that it is concerning with what could be changing in the way of parking downtown in the next months down the line. So, it would be great if Ms. Bennet's approval happens today, but what happens moving forward if the Village receives this grant.

Catherine Benson asked if Ms. Bennett if she is also reliant on the NY Forward Grant as well.

Amy Bennett stated that she can get financing. She has applied for the money, but it's not dependent on being awarded the grant.

John Benson stated that the other concern he has now is the parking on Ely Street and Reed Street being so consolidated. When you come down Ely Street, you cannot see in front of the State Telephone building when trying to make a turn onto Reed Street or Mansion Street.

Amy Bennett stated that these issues sound like larger urban planning issues. It is possible that if the Village took a comprehensive look at these issues, that they may want to make some of the streets one-way streets in order to get more parking downtown. There are definitely solutions that can be looked at.

John Benson stated that there isn't anything that can be done in the short term. It's a mess right now, and if you add 3 more parking spots it could be worse.

Amy Bennett stated that the spots are already existing, they are just being allocated as being able to use for the purpose of this project.

Brian Tighe asked if the 3 spots in front are still considered public spaces.

Chairman Bevilacqua stated that those spots are always going to be a first come, first served, parking spot. It is not going to be designated to anybody, it is just helping satisfy the parking requirement in the Village Code. He is trying to look at this project from the perspective of the Planning Board as well, but the NY Forward Grant project is a gray "what if" scenario in regard to the possibility of developing the swales downtown.

Amy Bennett stated that she is sure that the Village would have to go through a process to do that, and parking would be addressed at that time. Her project is not taking away those spots, she is actually adding spots.

Chairman Bevilacqua stated that he understands that. She is trying to utilize 8 spots behind the

building, and if she didn't have 8 spots for parking, then those people would have to resort to finding on street parking.

Margaret Benson stated that what could become of the NY Forward Grant project is more of a future concern. Today's issue is more focused on Ms. Bennett's project, but she just would like everyone to be aware of what is to come.

Amy Bennett stated that if the Village gets the grant money for the project, and if they put these swales in, then probably at that time the parking would have to be reviewed. That is when the Village should start asking the questions of whether they want to look into one-way streets, public parking, etc.

John Benson stated that his other concern is access for emergency services, such as fire trucks traveling down the street, as well as behind the buildings. If there are that many more people behind the residence, then it would need to meet fire code. Again, there is limited space downtown, and a firetruck would need to be able to get down the streets.

Chris Chimento stated that he believes that they are eliminating spots. The current Code is 2 spots per unit, and they are going down to 1 spot per unit. He asked how many apartments used to be in that building.

Amy Bennett stated that the Code is 2 spots per unit. She is proposing 2 floors of apartments, and the bottom being commercial.

Chris Chimento stated that per Code she would need 16 spots for the apartments.

Brian Tighe stated that the issue is that there are no residences in the building now. So, you are adding 8 residents who need a place to park.

Chris Chimento asked what was on those floors previously.

Amy Bennett stated that it was residents. The Benders lived there, and before them it was the 12 Tribes. There were probably more people living there when it was the 12 Tribes, just because of the communal way they live. Her floor plans allow for space for individual kitchens and bathrooms, as opposed to when they lived there, they had shared spaces. Her feeling on it is that she is in agreement that at some point there needs to be a comprehensive look at the parking downtown. She knows that it is on the Village's radar for sure, because they have talked about parking structures and other potential solutions. She doesn't know what other use you can have for that building that people wouldn't drive to. The more concentrated and vibrant the downtown is, the more you are going to see people biking, walking, and things like that. It can be a very walkable downtown.

Chairman Bevilacqua stated that maybe the Village can modify their proposal to remove the specific area of swale that would eliminate parking.

Chris Chimento asked if he understood correctly that the 3 spots in the front would be for

restaurant patrons, and the 8 in the back would be for the apartments. One parking spot per apartment.

Amy Bennett stated that that is possibly the way it will be used, but she thinks that the way the Planning Board looked at it is that they are trying to get to 11 spots, and they are going to give her credit for the 3 she has out front.

Chairman Bevilacqua stated that it satisfies the requirements for a Variance, but if she could possibly put something in her tenant's lease stating that they are limited to 1 registered vehicle to be parked on property. That is not to say that they cannot own another one, but then they would have to find somewhere else to park.

Amy Bennett stated that she was surprised that the Planning Board offered the 3 spots, but she thinks that they were interested in the project happening. She didn't even think about the front, she just wanted to see how much parking the rear could allow for.

Chairman Bevilacqua stated that he knows that downtown is more congested than the rest of the village, but if you think of the village in general, and how much of it is rental space, there is definitely not 2 spots per unit elsewhere in the village.

Amy Bennett stated that the interesting thing about this, is that it is on the river side. So, the more natural place for people to park is in the rear, because you have a huge parking lot out there where maybe during the day people are coming and visiting the waterfront, but it's not that busy during the winter.

Catherine Benson stated that she doesn't think that you can park in the downtown river side area overnight.

Amy Bennett stated that she did not know that.

Samuel Mento stated that the park and boat launch area closes at sundown.

Amy Bennett stated that maybe when the Village has to take a more comprehensive view in relation to the NY Forward Grant project, they will decide to allow parking there. Instead of the possibility of a parking garage.

Brian Tighe stated that the Village doesn't have any jurisdiction there since it is NYS property, not Village property.

Chris Chimento stated that it seems to him that if you link the apartments to a car per parking spot in the back, that leaves Ms. Bennett with 3 spaces up front for people who come to the restaurant, or even employees, but that is the same with all of the restaurants in the village. They don't have parking lots for any of that.

Amy Bennett stated that there are a lot of buildings that don't have parking, but the only reason that this comes up is because the building was out of commission for a little over 2 years. Had it

been continually pre-existing, there wouldn't even be a requirement to address parking.

John Benson stated that his concern is that if she rents the apartments, and the people that rent the apartments are assigned to the back, if that will fit the number of cars that are required.

Amy Bennett stated that the answer is yes if she assigns a spot per apartment.

John Benson asked if ideally, she could park all of the cars in the back off of the street.

Amy Bennett stated that that is correct, with the allowance of the dimensional standards to be reduced from 9' x 20' to 9' x 18'.

John Benson asked if he understood correctly that she could assign spots to each apartment, and she has enough for 8 cars in the back.

Amy Bennett stated that that is correct.

Chairman Bevilacqua stated that it might be a good idea to have assigned spots, so it is not a free for all amongst tenants.

Amy Bennett stated that she understands what he is saying and likes Mrs. VanStone's idea of the railroad ties designating the spots.

Chairman Bevilacqua stated that he thinks that people may even like having a spot waiting for them rather than a rat race at the end of the day.

Amy Bennett stated that there are more and more people working downtown. So, ideally, she would like to see people that maybe work at the Wire Event Center, or one of the restaurants, be the people who would like to also live downtown.

Brian Tighe asked what if someone has more than one car.

Amy Bennett stated that she would write into the lease that there is only one registered vehicle allowed per apartment.

Chairman Bevilacqua stated that he knows that there is a huge reach from the State and Village for local housing, and he thinks that this is probably going to come up more than once. Not just down street, but just in general.

No further public comments were offered.

A motion to adjourn the Public Hearing and return to the regular meeting at 6:50 p.m. was made by Christopher Chimento and seconded by Brian Tighe. Chairman Bevilacqua voted yes. Christopher Chimento voted yes. Brian Tighe voted yes. The motion carried.

New Business

Chairman Bevilacqua stated that he sees that there was an email, and he believes that this was probably before Ms. Bennett got actual measurements, but it states that Ms. Bennett's architect is going to use 9' x 18' spots, and can probably get 9 spots on the main lot, and an additional 2 behind 21 Reed Street.

Amy Bennett stated that the 21 Reed Street was the issues, because it is not a contiguous property.

Chairman Bevilacqua asked if the 9 spots were before measurements were taken.

Amy Bennett stated that the 9th spot was slightly over the line. In addition to her architect looking over the plans, the Village Engineer, Mary Beth Bianconi, looked over it as well. She thinks that Ms. Bianconi's review informed the Planning Board's decision.

Brian Tighe asked if there was a minimum requirement for a width of an aisle between parking spots.

Amy Bennett stated that her architect had to take that into account.

Chairman Bevilacqua stated that he does not have any problem with the dimensional standards being reduced by 2 feet.

Chris Chimento stated that he does not have an issue with that either. Especially with the understanding that it is 1 spot per apartment, and she has 3 spots out front for her business, just like every other business downtown that has to utilize on street parking. None of the restaurants downtown have off-street parking.

Chairman Bevilacqua stated that he isn't sure that they are looking at the proposed NY Forward Grant project in relation to the swales correctly. It looks like all the Village is doing is widening the grass area to make the corner more defined. He is not sure it is eliminating spaces because it doesn't change the width.

Chris Chimento stated that the Village is definitely eliminating spaces. However, that is a separate issue from what this Board is deciding. If the Village wants to propose eliminating those spots later on, that is for them to figure out, that is not for this Board to decide. He does think that Ms. Bennett needs defined borders outlining each spot.

Chairman Bevilacqua stated that the railroad ties seem like a smart idea between Sam Mento & Cynthia Van Stone's property, and Amy Bennett's property.

Brian Tighe stated that a drainage issue was brought up earlier.

Chairman Bevilacqua stated that that was mentioned when there was a discussion about potentially blacktopping.

Kenan Moran stated that when they put the gravel behind 5-7 Mansion Street, they actually discovered a drain that was covered over with sod that they cleared out. That created better drainage back there.

Amy Bennett stated that she does not wish to put in asphalt.

Sam Mento stated that if Ms. Bennett chip seals the driveway, it will give her a solid surface, but also allow for drainage. That may be the best option.

Chairman Bevilacqua stated that to alleviate the neighbor's concerns, he thinks that if the Board made an approval with some specificity about how the spots will be organized and marked, so that there is a clear approach for each tenant, that this would suffice.

Amy Bennett stated that she still has to go through the proper permitting with the plans, this is just to alleviate this one issue related to parking. She still has to get approvals from the Historic Preservation Commission, and Building/Code Enforcement.

A motion to approve the Area Variance application received from 5-7 Mansion, LLC for (8) 9' wide x 18' long parking spots, which works out to be 1 parking spot per unit, with the understanding that she has 3 on street parking spots out front, and that she will clearly mark a divide between her property of 5-7 Mansion Street, and Samuel Mento & Cynthia Van Stone's property at 9-11 Mansion Street was made by Chairman Bevilacqua and seconded by Christopher Chimento. Chairman Bevilacqua voted yes. Christopher Chimento voted yes. Brian Tighe voted yes. The motion carried.

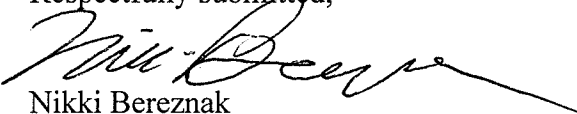
Public Comment

No public comment was received.

A motion to adjourn the Zoning Board meeting was made by Chairman Bevilacqua and seconded by Christopher Chimento. Chairman Bevilacqua voted yes. Christopher Chimento voted yes. Brian Tighe voted yes. The motion carried.

The meeting was adjourned at 7:09 p.m.

Respectfully submitted,



Nikki Berezna
Clerk