

**VILLAGE OF COXSACKIE
PLANNING BOARD MINUTES
May 16, 2024**

Chairman Robert Van Valkenburg, Jr. called the Planning Board Meeting to order at 6:00 p.m. Present were Planning Board Members: Matthew Bennett, Jarrett Lane, and Patricia Maxwell.

A motion to approve the minutes from the April 16, 2024 Planning Board Meeting was made by Matthew Bennett and seconded by Patricia Maxwell. Chairman Van Valkenburg, Jr. voted yes. Matthew Bennett voted yes. Patricia Maxwell voted yes. Jarrett Lane abstained. The motion carried.

Old Business

1. **51 Bailey Street** – Chairman Van Valkenburg, Jr. stated that that the Board needs to continue their review of the Site Plan application received from Simon Perschbacher of 51 Bailey Street. He said that he will look over the plans to make sure that it includes everything on the Site Plan checklist. He asked Mr. Perschbacher if there were any changes to the setback from the initial presentation.

Simon Perschbacher stated that initially they were looking to build the building offset, which would leave one side with a 5 foot setback instead of the required 10 feet. However, that idea has since been taken off of the table.

Chairman Van Valkenburg, Jr. asked if he understood correctly that there is no more need for a variance based on the new design.

Simon Perschbacher stated that that is correct. The new design meets the setback requirements.

Chairman Van Valkenburg, Jr. asked Mr. Perschbacher what the second enclosure showed on the plans was.

Simon Perschbacher stated that the enclosure shown on the plans was a storage shed.

Chairman Van Valkenburg, Jr. asked if Mr. Perschbacher is installing any drainage or fences.

Simon Perschbacher stated that he is not installing any drainage or fences.

Chairman Van Valkenburg, Jr. asked if Mr. Perschbacher will be hooking into the Village's water and sewer systems.

Simon Perschbacher stated that that is correct. He is approved for the water tap in, and he is waiting for NYS DEC for sewer tap in approval, since the Village is still under a moratorium.

Chairman Van Valkenburg, Jr. asked if there were any hydrants or emergency zones for the building or property.

Simon Perschbacher stated that there are no hydrants or emergency zones.

Chairman Van Valkenburg, Jr. asked Mr. Perschbacher if he will have any signage.

Simon Perschbacher stated that a small logo will be located at the entrance of the shop. He has a similar sign at his shop in Catskill.

Chairman Van Valkenburg, Jr. asked Mr. Perschbacher if he had an image of the logo with him.

Simon Perschbacher stated that he has a tattoo of the logo. He doesn't plan to put it up right away. He had submitted a sign permit application for his shop in Catskill, but according to their code, it did not require a permit because there is no business name or words. It is only a logo. For this Coxsackie location, it is not on the agenda for the next two years.

Chairman Van Valkenburg, Jr. stated that when Mr. Perschbacher is ready to do his sign, he can present it to the Board at that time. He asked Mr. Perschbacher if he had any details for the lighting. He knows that the plans are for dark sky compliant light fixtures attached to the building.

Simon Perschbacher stated that the lights will indeed be dark sky compliant on the shed and the building. There is a telephone pole across the street from his property that has a streetlight, so not much light is needed by the driveway.

Chairman Van Valkenburg, Jr. stated that the dimensions of the building are 64' x 40'. He asked Mr. Perschbacher if he had an interior layout.

Simon Perschbacher stated that he has included an interior layout as part of the Site Plan plans.

Chairman Van Valkenburg, Jr. stated that it looks like it will be a large open workshop with a small bathroom. He asked Mr. Perschbacher if there are any other permits required for this project other than a building permit.

Simon Perschbacher stated that he is not aware of any other required permits. He said that he has filled out and submitted the Short Environmental Assessment Form through NYS DEC.

Patricia Maxwell asked Mr. Perschbacher if he plans on having garbage disposal outside.

Simon Perschbacher stated that he will not have a dumpster or anything outside. Right now, he only has a metal trash can in the shop that he will dump himself.

Chairman Van Valkenburg, Jr. stated that should Mr. Perschbacher ever decide that he does want a dumpster outside, that it needs to be in an enclosure. He asked Mr. Perschbacher if his hours of operation will be typical, Monday-Friday, 9 a.m. to 5 p.m.

Simon Perschbacher stated that his hours of operation will be 8 a.m. to 5 p.m. A majority of the work is inside, and should he receive a delivery it will be during the day. The building will be well insulated to cut down on noise.

Chairman Van Valkenburg, Jr. said that the applicant has filled out and submitted the Short Environmental Assessment Form Part 1. He thinks that the Board can consider this Site Plan a Type II action for SEQR purposes.

A motion to accept the Site Plan application received from Simon Perschbacher for 51 Bailey Street as complete for the purposes of scheduling a Public Hearing was made by Jarrett Lane and seconded by Patricia Maxwell. Chairman Van Valkenburg, Jr. voted yes. Matthew Bennett voted yes. Jarrett Lane voted yes. Patricia Maxwell voted yes. The motion carried.

Chairman Van Valkenburg, Jr. stated that the Public Hearing for 51 Bailey Street will be scheduled for Thursday, June 13th at 6:00 p.m. Notices of the Public Hearing need to be sent certified/return receipt to all property owners within 500 feet. They have to be mailed out 10 days prior to the Public Hearing date. The Clerk can populate a list of property owners, as well as provide a sample Public Hearing Notice. Mr. Perschbacher will have to submit the proof of mailing to the Board at the Public Hearing. The Village is responsible for advertising the Public Hearing in the newspaper. The Board will also

need 5 paper copies and 1 mylar copy of the proposed Site Plan. Once approved, those plans get stamped and signed, and Mr. Perschbacher can file them with the County.

Public Comment Period

Sam Mento, of 9-11 Mansion Street, stated that they have a parking lot in the back of their property that is adjacent to 5-7 Mansion Street. They had their property surveyed and certified, and would like to put down parking barriers along their property. When there used to be a restaurant at 5-7 Mansion Street, they used to constantly have an issue of people parking and blocking their tenant at 9-11 Mansion Street. He doesn't know how the new property owners are going to fit 8 parking spots in the back. He is just looking to define their parking area so that their tenant does not have any problems. If he could put the parking bumpers up on their property, with a sign stating that parking is specifically for 9-11 Mansion Street, that may alleviate some of the confusion. On the other side of their property that borders Dave Merchant's property, they have a tree line there. He is looking to better define that side of the property also, and put some crusher run down to make it look nicer and neater. He wasn't sure if he had to come before the Planning Board for this or not.

Cynthia VanStone, of 9-11 Mansion Street, stated that they had gone to the Zoning Board of Appeals Meeting. At that point, Amy Bennett, of 5-7 Mansion Street, was there in order to obtain an Area Variance for parking. Both herself and Mr. Mento indicated at that meeting that putting up parking barriers on their property was their intention. Ms. VanStone filled out an application and has a sketch of the rough dimensions etc., but she wasn't sure if this needs to get approval by the Planning Board.

Chairman Van Valkenburg, Jr. stated that if Mr. Mento and Ms. VanStone had a survey done, and know where their property lines are, then there isn't anything that would be needed from the Planning Board for this type of work. They do not regulate fences or anything like that. That would be up to Code Enforcement to make sure that it doesn't violate Village Code. Mr. Van Valkenburg, Jr. stated that he does not have any issues with curb stops on their property, as long as they are not placing them on somebody else's property. The Planning Board does not have any authority to approve or deny something like this. He would just suggest running it past the Building Inspector, Mike Ragaini.

Patricia Maxwell stated that Mr. Ragaini works Monday, Wednesday, and Friday from 8 a.m. to 11 a.m.

Chairman Van Valkenburg, Jr. stated that if after talking to the Building Inspector, he tries to refer them to the Planning Board, to just explain that they have already come before the Board.

Patricia Maxwell stated that it is part of the Historic District, but that is not something that they would have to come before the Historic Preservation Commission for.

Sam Mento stated that he just wanted to be sure that he was getting the necessary approvals.

Chairman Van Valkenburg, Jr. asked if the barriers would be concrete.

Sam Mento stated that they will be low profile, but cement. They come in different colors, but he is thinking a dark gray.

No further public comments were offered.

New Business

1. **Outdoor Seating** – Chairman Van Valkenburg, Jr. stated that the Village Board had asked the Planning Board to discuss their thoughts on the outdoor seating in the downtown area.

Jarrett Lane stated that he feels that the outdoor dining has run its course. There is already an issue with parking downtown.

Chairman Van Valkenburg, Jr. stated that the parking downtown has been an issue since the area has become more popular. He doesn't think that all of the restaurants downtown are looking to have outdoor seating all of a sudden, but if they did, you are looking at losing 15-20 parking spots.

Patricia Maxwell stated that she had talked to the Village Board about this issue, and they wanted to know what the Historic Preservation Commission thought about outdoor seating. It sounded like the Village Board was in favor of granting Che Figata permission to have outdoor seating again this year. However, the Village Attorney has recommended a permitting process going forward. The Mayor did say that so far no other business has approached the Board looking for approval to have outdoor seating, and they don't anticipate any other business besides Che Figata, however, that is not to say that it would not happen. The approvals will be on a case by case basis. It will not be a blanket approval for all businesses.

Chairman Van Valkenburg, Jr. stated that certainly a permit should be something that is required for something like that. It is easy to say that no other businesses are interested in having outdoor dining now, but when they see Che Figata doing it, it is possible that other restaurants may want to do the same thing.

Jarrett Lane stated that he thinks that Shipwrecked may want to have outdoor dining.

Patricia Maxwell stated that Katlyn Irwin, owner of Shipwrecked, stated that she doesn't have the staff for it. So, she's not interested.

Jarrett Lane stated that he would like to see a parking solution first. That is the biggest issue downtown.

Matthew Bennett stated that it sounds like the Board is talking about addressing safety standards as well. However, it feels like the Board is trying to solve a problem that might not necessarily need to be a problem.

Chairman Van Valkenburg, Jr. stated that if you look in Catskill, those that have outdoor dining generally have concrete barricades to protect the diners from traffic. Now, Reed Street in Coxsackie may not be as busy as Main Street in Catskill with traffic. However, it only takes one time. He wouldn't be comfortable with on street dining without some sort of delineation and protection. Putting up barriers just takes up even more space. He doesn't think that with the way things are downtown right now, that they can stand to lose any more parking down there. Especially once the Boat Launch gets busier in the summer.

Jarrett Lane stated that the next discussion needs to be about a parking solution. There has to be a resolution for overflow parking. He asked if there was additional parking on Aaron Flach's property.

Patricia Maxwell stated that Mr. Flach had said that people use that parking area as a last resort. People try to park as close as possible before going to that lot that is further away.

Chairman Van Valkenburg, Jr. stated that that does not seem like a real viable option for parking. He thinks that allowing outdoor seating and giving up parking spots is a bad idea.

Jarrett Lane stated that he agrees with Mr. Van Valkenburg, Jr. He knows that Che Figata likes to have that outdoor space, but it is taking up needed parking spots.

Chairman Van Valkenburg, Jr. stated that they could always put a couple of tables on the sidewalks, instead of in the street.

Patricia Maxwell stated that at the Historic Preservation Commission Meeting, Michael

Rausch showed pictures of barriers that are concrete planters with metal benches in between. They seem much safer than the wooden planters that Che Figata has been using. She knows that one of the concerns by the Village Board was safety. When this was discussed at the HPC Meeting, one Board Member was also against it due to the lack of parking downtown, and the other issue that was raised is that when Che Figata has the outdoor seating, it doesn't seem to be fully utilized. So, they are wondering if it is truly necessary. It was a different circumstance when it was during COVID.

Chairman Van Valkenburg, Jr. stated that his position is that the Village Board needs to figure out what can be done downtown about parking. He can't in good consciousness say that it is a smart idea to allow outdoor seating, when the village is in the situation it is in with parking downtown. He would have no issue with tables on the sidewalks so long as there is still pedestrian access. He has no good advice or recommendations to the Village Board. He does not think that outdoor dining in the street is feasible at this time.

Matthew Bennett stated that he agrees with Mr. Van Valkenburg, Jr. He feels that it is one step ahead to be worrying about the safety of people eating outdoors, when he doesn't even feel that people should be eating outdoors due to the lack of parking.

Chairman Van Valkenburg, Jr. stated that his position, and it sounds like it is also the position of the Planning Board, is that the parking situation downtown needs to be figured out before entertaining outdoor seating.

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

The meeting was adjourned at 6:26 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nikki Berezna", written in a cursive style.

Nikki Berezna
Clerk