

**VILLAGE OF COXSACKIE
PLANNING BOARD MINUTES
April 17, 2025**

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

A motion to approve the minutes from the March 20, 2025 Planning Board Meeting was made by Matthew Bennett and seconded by Debra Jung. Chairman Van Valkenburg, Jr. voted yes. Matthew Bennett voted yes. Debra Jung voted yes. Jarrett Lane voted yes. The motion carried.

New Business

1. 46 Reed Street – Chairman Van Valkenburg, Jr. stated that the Board needs to review the Site Plan and Special Use Permit applications received from Young & Sommer, LLC, on behalf of Bell Atlantic Mobile Systems LLC DBA Verizon Wireless, for a proposed public utility/personal wireless service facility on property located at 46 Reed Street (Verizon Wireless site: Coxsackie Waterfront).

Scott Olson, of Young & Sommer, LLC, stated that this project is pretty straightforward, and relatively simple. It does not involve a new cell tower. What they are doing is co-locating on the State Telephone building. There will be one antenna on the top of the roof at 46 Reed Street. There will be no drilling through the roof, since it will be ballast mounted. The engineers have figured out what type of ballast they would need to withstand the winds in the region. When looking at the roof profile, there are two chimneys up there, as well as another antenna up there, which is likely for State Telephone's local use. That antenna is at 46 feet, and Verizon's antenna will be a foot under that. So, they will be below the tallest part of the building. There will be some equipment at the base of the building. They do not use shelters anymore, they just use a frame with outdoor cabinets, and weatherproofing. That equipment will be connected to the antenna via cables and coax that are run on the exterior of the building. There is a meter on the backside of the building. The power will be upgraded and a new meter put in. He said that if the Board is interested, exhibit 4 of the submission document explains why there is a need for this project, and why there is no service in the 700 MHz frequency, or the 1200 MHz frequency. It shows what the service will be after the installation. It is very technical, but anecdotally, people probably realize that the service is lacking downtown.

Chairman Van Valkenburg, Jr. stated that most people probably agree that something is needed downtown for service.

Scott Olson stated that the maps basically show that there is no service in that area, or not acceptable service. The maps seem to line up with what people are experiencing. The facility will be fully compliant with the FCC regulations. So, at the ground level, where you would have public exposure, it is less than 2% of that which they can actually emit. So, legally, they could pump the power up 98%. They will not do that, but they are only using 2% of the power that they are legally permitted to use. It is very low power.

Chairman Van Valkenburg, Jr. asked if he understood correctly that this is considered micro-cellular.

Scott Olson stated that that is correct. It is considered micro-cell, or a small wireless facility. It is not like the towers you see with multiple antennas. This is what they call a "Can-tenna", because it is basically like an antenna in a can.

Chairman Van Valkenburg, Jr. asked why this location of the roof of 46 Reed Street was selected as the project location. He asked if it was selected because it is the best location.

Scott Olson stated that it is an optimal location, and will be placed towards the front of the roof so that there is no roof obstruction. They can push it back as far as they can, but the farther back it goes, the higher it would have to be. They will have it directional towards the waterfront.

Mary Beth Bianconi, of Delaware Engineering, stated that the Village Code doesn't contemplate certain things. Even though they are talking about co-location, that would usually mean that there is an existing tower. The Planning Board will have to interpret how setbacks apply to this, because essentially, there are none for this project. This is the kind of project that the Village wants to encourage. Substantively, the project documents seem to include all of the major information that is required per the Village Code, they provided a pretty robust explanation of public need, they showed that they will be compliant with FCC and FAA regulations, they showed the structural integrity of the building, and this would be an Unlisted Action under SEQ. The one thing the Board should look at is the visual analysis that was provided. The other thing the Board will have to figure out is how they apply the metrics in the Village Code, as a tower on a piece of real property. There are things in the Village Code that don't really apply to this project.

Chairman Van Valkenburg, Jr. stated that he doesn't think that anyone would argue that there isn't a need for better reception downtown. As far as the aesthetics, they did discuss why it would be placed where it is, so that the radio signal can be closer to the edge rather than be in the center of the building. Looking at the pictures, he doesn't think it is going to provide a great visual impact to the area. It is one of those things that once it is in use, nobody will really notice it.

Mary Beth Bianconi stated that to her, it seems to blend in with a lot of other similar things.

Chairman Van Valkenburg, Jr. asked if the pictures provided will be of the actual color and finishes.

Scott Olson stated that that is correct. He said that having the chimneys on the building helps conceal the view also.

Chairman Van Valkenburg, Jr. stated that this project will also have to go before the Historic Preservation Commission. He asked if the applicant was aware that they need to fill out an application for that Board as well.

Scott Olson stated that they did not submit an application to the Historic Preservation Commission yet. They wanted to come before the Planning Board first.

Mary Beth Bianconi stated that in terms of the Village Code, there are a number of things that the Board would have to consider how they would like to handle. This project obviously checks the co-location box, this, in her opinion, would not require any evaluation of what the Code calls a "Fall Zone", setbacks, as far as lighting, it will not be lit, as far as visibility and aesthetics, there has been documentation provided, vegetation and screening doesn't apply to this since it is on a building surface, parking also doesn't apply, as far as signage, she asked if there would be any signage associated with the tower.

Scott Olson stated that there would be no advertising signage, it will only have whatever the FCC requires on the fencing by law.

Mary Beth Bianconi stated that the next area of the Code mentions security, which it will be secure, engineering standards, which the applicant has provided all of the information, and the last piece of the Code is regarding abandonment and removal. This largely regards any restoring the site to pre-development conditions, but this is a roof of a building.

Scott Olson stated that as part of a standard clause of their leases, it is stated that if the lease ever expires or terminates, they have the obligation to remove all of their equipment and restore the property.

Mary Beth Bianconi asked if the applicant has provided a copy of the lease.

Scott Olson stated that he does not believe that there is a copy of the lease as part of the project documents. They can provide a copy to the Board.

Debra Jung asked what the terms were of the lease.

Scott Olson stated that the initial term of the lease is five years, but there are renewal terms.

Mary Beth Bianconi stated that for Site Plan application, it requires a visual assessment, which they have, documentation from a qualified expert in the field regarding engineering, showing need, the coverage area, copy of the lease, and copy of the FCC operating license, which that was provided. So, the only thing that wasn't included was the lease. Then, this has to go before the Historic Preservation Commission.

Chairman Van Valkenburg, Jr. stated that the Historic Preservation Commission will need to take a look at the project since it is located in the Historic District. Their meeting is the second Tuesday of each month. So, if they review the project at their next meeting, then a joint Public Hearing for both boards may be able to be scheduled. So, the next step would be obtaining a copy of the lease.

Scott Olson asked if he understood correctly that the next steps are providing a copy of the lease agreement, submitting an application to the Historic Preservation Commission, and then hopefully they can schedule a Joint Public Hearing.

Chairman Van Valkenburg, Jr. stated that that is correct.

Scott Olson asked if the Historic Preservation Commission will schedule a Public Hearing, or if the Planning Board would be willing to schedule it now.

Chairman Van Valkenburg, Jr. stated that he thinks that they can schedule it for the Planning Board May meeting date, so long as they feel that they can accept the application as complete, pending the submission of the lease agreement.

A motion to accept the application received from Young & Sommer, LLC, on behalf of Bell Atlantic Mobile Systems, LLC, DBA Verizon Wireless, for a proposed public utility/personal wireless service facility on property located at 46 Reed Street (Verizon Wireless site: Cocksackie Waterfront) as complete for the purposes of scheduling a Public Hearing for May 15th at 6:00 p.m. was made by Jarrett Lane and seconded by Matthew Bennett. Chairman Van Valkenburg, Jr. voted yes. Matthew Bennett voted yes. Debra Jung voted yes. Jarrett Lane voted yes. The motion carried.

Clerk Nikki Bereznak stated that the next Historic Preservation Commission Meeting is not until May 13th.

Chairman Van Valkenburg, Jr. stated that we will have to forward any information to Historic Preservation Commission Chairperson, Patricia Maxwell, so that her Board can determine if they agree to hold a joint Public Hearing on May 15th.

Scott Olson asked if the Village takes care of the public notice.

Chairman Van Valkenburg, Jr. stated that the Village takes care of the notice in the newspaper, but the applicant is responsible of notifying the property owners within 500 feet. They need to be mailed out certified, return receipt. The receipts can be brought to the next meeting as proof of mailing.

Clerk Nikki Berezna stated that she can send a sample notice to the applicant to use. She can also provide a list of property owners within 500 feet if needed. She stated that the Historic Preservation Commission application can be found on the Village website as well.

2. 1, 3, & 5 Riverside Avenue – Chairman Van Valkenburg, Jr. stated that the Board needs to review a Lot Line Adjustment (Minor Subdivision) application received from John T. Biscone, Esq., on behalf of Steve Olswang, for the purpose of consolidating three lots into one lot. He said that Mr. Biscone did provide a plan showing the property for tonight. Upon review, it does seem to contain all of the things that are necessary per the Site Plan review checklist. This property is located on the corner of Mansion Street and Riverside Avenue.

John Biscone, Attorney, stated that Mr. Olswang came into his office with his surveyor's maps stating that he was told that he cannot obtain a Building Permit, and first needs to apply to the Planning Board. So, he has submitted the application to the Board on Mr. Olswang's behalf. In retrospect, it is not a Minor Subdivision. A Minor Subdivision is when you are breaking up a property into two or more parcels.

Mary Beth Bianconi stated that the Village Code just doesn't specify "Lot Line Adjustments" or "Delete & Combine". So, it is just called a "Subdivision" because there is no other guidelines to follow.

John Biscone stated that a Lot Line Adjustment is something where you're adjusting the lot line, like when someone is going to add fifteen feet to the adjoining parcel, and take away from the other parcel. This case really doesn't fall into either one, because if you look at it, the three lots are laid out there by the surveyor. The fourth lot of what the applicant is asking for, is the exact same of the four corners. He is not adding or subtracting anything from the outer boundaries. The applicant really wants his building permit to build his house. He wants one house, instead of three. He wants one lot, instead of three. He just wants a building permit to build his house. He

submitted the application to go before this Board in order to address whether or not he really needs to do anything more than get a deed, which he has done. The deed states that these three lots are described as one lot. It isn't really a Lot Line Adjustment, there is no change in it. He noticed that the Board has the authority to waive the Public Hearing. He asked if the Board goes forward with this process, if they would be willing to waive the Public Hearing requirement. If the Board does want to have a Public Hearing, he asked if the Board would consider allowing the issuing of a Building Permit while this issue is pending before this Board. He doesn't know why his applicant has had to jump through these hoops quite frankly.

Mary Beth Bianconi stated that this is really considered a "Delete & Combine". The applicant is looking to delete lot lines, and combine them all into one. This Board is on his side, and agrees with him. However, the Village just does not have anything in the Village Code for how to address this. It is not a problem with the applicant, it is an issue with the Village Code not being updated to consider proceedings like this. So, in the past, when an issue like this has come up, they have been treated like a Minor Subdivision, and followed those regulations, because there are no other regulations to follow. So, the Village needs to amend their Code, but in the meantime, this is the process that is followed, and has been followed in the past, so that they are treating everyone the same.

John Biscone asked if the Board would consider waiving the Public Hearing requirement though.

Chairman Van Valkenburg, Jr. stated that he believes that the Board has done this in the past. Because it is not creating a new parcel, or changing lot lines, and is just deleting and combining, he doesn't have a problem with waiving the Public Hearing, but he will ask the fellow Board Members to voice their opinion.

Jarrett Lane stated that he feels the same way. It is a pretty straightforward request. He does think that the Village Code needs to be updated at some point, but if anything, it is less to consider when it is one lot as opposed to three.

Chairman Van Valkenburg, Jr. stated that this is a very low impact and easy thing for this Board to consider. Everything submitted on the plans seems to meet the requirements of the Village Code. He asked Ms. Bianconi if they still needed to conduct SEQR if they waived the Public Hearing requirement.

Mary Beth Bianconi stated that the Board still needs to conduct SEQR, but it can be done as a SEAF.

Chairman Van Valkenburg, Jr. asked if this could be done as a Type II action.

Mary Beth Bianconi stated that this could be done as a Type II action. Therefore, SEQR is completed, and the Board can consider this tonight. There is a list of things that need to be fixed in the Village Code, and this process is one of them. It has come up a number of times. In some counties, the Building Department just handles these, and it doesn't even go before the Planning Board.

A motion to accept the Lot Line Adjustment (Minor Subdivision) application received from John T. Biscone, Esq., on behalf of Steve Olswang, for the purpose of consolidating three lots into one lot at 1, 3, & 5 Riverside Avenue, as complete was made by Jarrett Lane and seconded by Debra Jung. Chairman Van Valkenburg, Jr. voted yes. Matthew Bennett voted yes. Debra Jung voted yes. Jarrett Lane voted yes. The motion carried.

A motion to waive the Public Hearing requirements based on the type of project being a Delete & Combine, and therefore it not really being applicable as a Minor Subdivision was made by Jarrett Lane and seconded by Matthew Bennett. Chairman Van Valkenburg, Jr. voted yes. Matthew Bennett voted yes. Debra Jung voted yes. Jarrett Lane voted yes. The motion carried.

Chairman Van Valkenburg, Jr. stated that the Board has decided that this is a Type II action based on the list of Type II actions under SEQR. No other action is needed.

A motion to approve the Lot Line Adjustment (Minor Subdivision) application received from John T. Biscone, Esq., on behalf of Steve Olswang, for the purpose of consolidating three lots into one lot at 1, 3, & 5 Riverside Avenue was made by Jarrett Lane and seconded by Debra Jung. Chairman Van Valkenburg, Jr. voted yes. Matthew Bennett voted yes. Debra Jung voted yes. Jarrett Lane voted yes. The motion carried.

Chairman Van Valkenburg, Jr. stated that he will stamp and sign the plans so that they can be filed with the County.

3. McQuade Building – Chairman Van Valkenburg, Jr. stated that the Board needs to continue their review of the Site Plan application received from Aaron Flach/Joan Tailleir for 2-6 Mansion Street.

Chairman Van Valkenburg, Jr. asked Ms. Tailleir if she is familiar with the memos received from Delaware Engineering.

Joan Tailleir stated that she has reviewed the memos, and she has drafted a letter to the Village Board regarding the Zoning District change request. Her concern is that there is a residential unit in the back that pre-dates the Zoning.

Mary Beth Bianconi stated that this is fine.

Joan Tailleir stated that she believes that their Engineer has addressed some of the past concerns.

Chairman Van Valkenburg, Jr. stated that looking at the plans, the dumpster enclosure and the fencing needs to be updated.

Mary Beth Bianconi stated that the fencing and the dumpster enclosure needs to be opaque. The Board is not a fan of vinyl slats, so they are looking for stockade fencing. Details on the lighting was provided. It is downward facing lighting with 3300 lumens. He provided the specs, and showed that there is a small amount of light spillage, but it is very minor. There will be three lights on site.

Chairman Van Valkenburg, Jr. asked if these lights are on timers.

Joan Tailleir stated that she is not sure, but she can check. She believes that they are supposed to be on timers.

Mary Beth Bianconi stated that there was a prior conversation of the lights not being on photocells, because then they would just be on all of the time. There is also the amendment to make it all in the same Zoning District, which just makes sense.

Joan Tailleir asked if there is a special application for that.

Mary Beth Bianconi stated that Ms. Tailleir would just have to make a request, as the property owner, to the Village Board, for a Zoning map amendment, and just explain why. She would just explain that her parcel is split between two zones. The Village Board will need to do SEQR for that, and hold a Public Hearing since it is changing the Local Law, but they have done map amendments before, when there were parcels that were split, and as long as there is a reasonable justification, then it goes smoothly. There was also past discussion regarding parking at this location. The parking for the front building is across the street on Betke Boulevard. The Board just needs something in writing stating that in the future, if these two parcels are not owned by the same people, that the parking will still be available to the use of the McQuade Building. She thinks that Ms. Tailleir mentioned that there was a residential unit that she wanted to make sure had a reserved parking space.

Joan Tailleir stated that she would like one reserved parking space for that residential unit, and she also did draft a parking agreement, but she wanted to provide some clarification. The driveway is on the 10 Mansion Street parcel, and they would be granting all of the parking rights

to the 10 Mansion Street parcel. She asked if the agreement should be shared between both parcels. In other words, 10 Mansion Street could also park on Betke Boulevard and vice versa.

Mary Beth Bianconi stated that 10 Mansion Street's parking is on Betke Boulevard across the street. That is a landowner issue of whether or not they would like to have completely shared parking between the two. So long as there is adequate parking for all units, that is all that really matters.

Chairman Van Valkenburg, Jr. stated that so long as there is adequate parking for all of the units, that is all the Board cares about.

Joan Tailleir stated that that is how she wrote the agreement, but she just wanted to double check. She is granting the parking rights for those at 2-6 Mansion Street. She also would like everyone to look it over and proof it once it is typed up.

Mary Beth Bianconi stated that those were the only topics last time. There is the request for the Zoning Map amendment, the shared use for the driveway and the parking, or however the property owner would like to handle that, and then just those couple of Site Plan details.

Chairman Van Valkenburg, Jr. stated that they are missing the detail for the signage. He talked to Aaron Flach about it today, and he said that he is working on it.

Mary Beth Bianconi stated that they will also need the update on the garbage enclosure. They are good with the landscaping plan. Those were really the only items.

Chairman Van Valkenburg, Jr. stated that in the past discussion, there was still a back and forth about what the actual classification of the property will be. Whether it will be considered Short Term Rentals, or an Inn. He asked Ms. Tailleir what the classification would be.

Joan Tailleir stated that their goal is to have a pub downstairs that the public could use, and that the remainder would be an Inn. Each of the units would have a little kitchenette, so that if for some reason this didn't work in the future, they could become rental units. That was the goal, so that there would be some flexibility.

Chairman Van Valkenburg, Jr. stated that that could certainly be addressed down the road, if there is a need to change. As long as the Board is clear about how the project is moving forward currently.

Mary Beth Bianconi stated that that is the other thing that is needed. The Board needs an updated application and SEQR that states exactly what the project is.

Joan Tailleir asked whether a SEQR has been filed by Mr. Flach so far.

Chairman Van Valkenburg, Jr. stated that they have received SEQR paperwork already.

Joan Tailleir stated that she will stop in the Clerk's office to receive a copy of what has already been submitted.

Clerk Nikki Berezna stated that she has copies present tonight, and gave Ms. Tailleir copies of the paperwork that was already submitted for the project.

Don McDonald asked what the parameters would be for the sign.

Chairman Van Valkenburg, Jr. stated that there is a section in the Village Code that specifically relates to signage. He cannot remember the parameters off of the top of his head. It is fairly laid out in the Code. It talks about sizing restrictions, lighting, materials, etc. He thinks it is in Chapter 155.

Mary Beth Bianconi stated that it is in Article 8. So, they first need to decide where the sign will be placed, whether it will be on the building, or on the ground. Once that is figured out, then the Code tells you what applies to it in terms of materials, location, size, etc.

Chairman Van Valkenburg, Jr. stated that Mr. Flach had mentioned that he was thinking of a similar sign to what he has by his real estate office. Which would be a freestanding sign on posts.

Joan Tailleir asked at what point the project goes before the Historic Preservation Commission.

Chairman Van Valkenburg, Jr. stated that once this Board has an approved Site Plan, then it can go before the Historic Preservation Commission. Then, when it comes time to schedule a Public Hearing, it can be done jointly before both Boards if required.

Joan Tailleir asked if she should approach the Village Board regarding the Zoning Map amendment first.

Mary Beth Bianconi suggested that she submit the letter to the Village Board in time for their May Board Meeting date. They will need to schedule a Public Hearing as well. So, that would be in time for their June Board Meeting. At the June Meeting, they would be able to conduct SEQR, hold the Public Hearing, and make a determination right after they close it. So, it sounds like everything could get done in June. She would like to see all of the items that the Planning Board is asking for to be submitted in time for their May meeting, if possible.

Jarrett Lane asked if Ms. Tailleir has had a conversation with the State Liquor Authority yet, because there is some issues with them cracking down and becoming more strict with the predetermined liquor license density.

Joan Tailleir stated that she has not reached out yet.

Jarrett Lane stated that he knows that they were really giving Shipwrecked a hard time.

Joan Tailleir stated that she had heard that, but she was talking to a lawyer who handles these things, and they did not seem to think that there would be any issue.

Mary Beth Bianconi stated that it is a much easier path for those that just want to serve beer and wine, versus alcohol.

4. Dolan Block – Chairman Van Valkenburg, Jr. stated that the Board needs to continue their review of the amended Site Plan application received from Aaron Flach for 22-34 South River Street. Nothing further has been received from Mr. Flach for tonight, so this will be tabled for further discussion at a later date.

5. Village Code Updates- Mary Beth Bianconi stated that she is making a list of items that the Board would like to see changed/updated in the Village Code. So far, she has that there is nothing in the Village Code that truly addresses things like solar/batteries, that distinguishes between someone that has a Tesla power wall at their house for their car, versus battery storage. At a minimum, these things should be defined in the Code. There is nothing regarding the Micro-Cellular towers. She believes that this will become a more common occurrence. Delaware Engineering has a model law that was drafted for the State. They can use this as a guideline. There is also nothing in the Village Code regarding a Delete & Combine, or Lot Line Adjustment. That has come up multiple times. She would also recommend that some kind of parking study be done, in order to address parking in the downtown area.

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. Debra Jung voted yes. Jarrett Lane voted yes. The motion carried.

The meeting was adjourned at 7:04 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nikki Berezna". The signature is written in black ink and is positioned above the printed name and title.

Nikki Berezna
Clerk