

**VILLAGE OF COXSACKIE  
ZONING BOARD MINUTES  
September 23, 2026**

Chairman Sal Bevilacqua called the Zoning Board Meeting to order at 6:00 p.m. Present were Zoning Board Members: Brian Goble, Jocelyn Lane, Jason Southwick, and Brian Tighe.

A motion to approve the minutes from the August 26, 2026 Zoning Board Meeting was made by Jason Southwick and seconded by Brian Tighe. Chairman Bevilacqua voted yes. Brian Goble voted yes. Jocelyn Lane voted yes. Jason Southwick voted yes. Brian Tighe voted yes. The motion carried.

**Old Business**

**49-51 Mansion Street-** Chairman Bevilacqua stated that the Board needs to approve the Area Variance Application received from 49-51 Mansion Street, LLC, principal Colleen J. VanCuren & Mary E. Matousek.

Nikki Berezna, Clerk, stated that the applicants asked if they really needed to come, and she said that's up to them, but they already had the public hearing and this would be the formal vote, because the Board couldn't vote at the public hearing.

Chairman Bevilacqua stated that everybody is familiar with the application; they've been here a couple of times. There were so many lots on that hill that were even smaller than what they were separating, and everything looked pretty kosher.

A motion to approve the Area Variance Application received from 49-51 Mansion Street, LLC was made by Chairman Bevilacqua and seconded by Jason Southwick. Chairman Bevilacqua voted yes. Brian Goble voted yes. Jocelyn Lane voted yes. Jason Southwick voted yes. Brian Tighe voted yes. The motion carried.

**New Business**

**117 Riverside Avenue-**Chairman Bevilacqua stated that the Board received a request for Variance from Local Law #4 of 2023-(Short-Term Rental Local Law) for 117 Riverside Avenue. Owner, Monica Youn, is seeking approval to grandfather her Short-Term Rental as a legal, nonconforming use, outside of the allowed Zoning Districts per the Village Code.

Robert A. Stout, Jr., Village Attorney, stated that the Chairman correctly read the title of the letter that was submitted, in that it's a request for variance, but when he read through it, he

construes it as an appeal of a determination by the Code Enforcement Officer, because Ms. Youn's request was in fact denied, and she is contending that she should be treated as a pre-existing, nonconforming use and that the decision was wrong, including on the timeliness issue. If the Board were to construe it as a variance request, that would be a use variance request, and that's a very high burden to meet. So, in terms of procedurally how the Board treats it, he thinks it's more appropriate to be an appeal.

Monica Youn, owner of 117 Riverside Avenue, stated that she bought her property in around 2004, 2005, when she was quite young. It's always been a second home for her; she bought it because she could not afford to buy a place in the city. She started renting it basically as soon as the renovations were completed, and her first rental was 2006, more than 20 years ago. The property spans almost 2 acres going into the Hudson River, and in the summer her monthly expenses are probably about \$1,500 a month. The only way she can afford to keep the place is to rent it for a lot of the summer high season. She has an 11-year-old son, and when the property is not rented during the summer, they go out there, often with family or friends, and use it themselves. Her rental income varies between \$11,000 and \$15,000 a year, and she's worried that without that she wouldn't be able to keep the property and would have to sell. She first started renting from a company called Cyber Rentals, which then became HomeAway, which then became VRBO, and the VRBO property listing, 135415, has been the same continued listing for the same property.

Mr. Stout stated that it would be most helpful for the Board for Ms. Youn to submit as many things as she can that evidence that continued rental, not only just after she bought it, but also throughout the years.

Monica Youn stated that she has probably 200 reviews; when she looked it up, it was 38 pages of reviews, and she didn't know whether the Board wanted all of that. There's never been a year she hasn't rented it. They also are up there pretty much throughout the year; they use it to ski in the winter, to go hiking in the fall, and in the spring she does quite a bit of gardening.

Brian Tighe asked if it's an appeal of the Code Enforcement Officer's decision and the Village Board's decision.

Mr. Stout stated that it was the Code Enforcement Officer's decision to deny the request. This residence is in a zoning district that, as of when the law changed in 2023, no longer permits short-term residential rentals. The law did provide a grandfathering mechanism at the time: providing evidence of signed agreements, business receipts, etc., that it was used as a rental prior to the adoption of the law; registering the rental unit within 60 days after the effective date of the law; continued compliance and annual renewals; and abandonment of the use by non-renewal of the permit, sale of the property without transferring the permit, or discontinued use for six

consecutive months extinguishes the legal, nonconforming status. There is a body of law he can look at and advise the Board on relative to the rights that property owners have to pre-existing uses. The evidence of the prior short-term rental use is important because that will all factor into the analysis of whether the law provides protection for this pre-existing, nonconforming use, notwithstanding the four requirements, including the timeliness of having to register within 60 days, because that 60 days long passed from when the law was adopted in 2023.

Monica Youn stated that, as to the timeliness, as soon as she found out about the law, which was in December 2024, she submitted her application. She is an academic and had been traveling for much of the previous year, so it was the first time she came back and heard that the law had even been passed. At that point she was told she had missed the 60-day window. She wanted to appeal, and the Mayor wrote her a letter saying he did not think she had any basis for appeal and would not succeed, but that if she insisted, she should contact the Building Inspector to get a formal denial. She called the Building Inspector multiple times during his business hours and never received a reply. That is to explain why it's now 2026.

Jocelyn Lane asked how Ms. Youn came about hearing about it in 2024.

Monica Youn stated that it was the first time Airbnb actually sent her a notice saying that there had been a change in the law, and that was the first notice she received.

Jocelyn Lane asked if the Village sent notices.

Mr. Stout stated that he thinks the Village Board did whatever is required for adopting a local law, which is putting notice in the paper, and it goes to Facebook and the website, so the typical local law process was followed. He doesn't think there was an effort to identify every single house in the zoning district and send them an individualized letter saying the law is changing, and if you happen to have a short-term rental, you need to get it registered.

Monica Youn stated that the way it came to her attention is she received a notice from Airbnb, and she sent in the application immediately, like within a day.

Chairman Bevilacqua stated that the Board will just want to collect a body of evidence, as much rental documentation as she can, starting from the 2006 date.

Monica Youn stated that she will send as much as she can. A couple of the websites have gone defunct, and when she was trying to get into the archives of what used to be HomeAway, it just kept sending her to dead links, but she can send whatever correspondence she has. It'll be pretty voluminous, because it's been 20 years of rentals.

Mr. Stout stated that that would be helpful, and he also thinks it's fine for the Board, in order to

move this along, to schedule a public hearing, because every appeal requires a public hearing. The Board could schedule a public hearing for the October meeting, subject to Ms. Youn providing those documents two weeks before the meeting, so there's time to digest them.

Brian Goble stated that Ms. Youn had mentioned that she was out of the country in the time frame when that law went into effect, and asked about her travel.

Monica Youn stated that she is an academic and was doing some research in Korea.

Chairman Bevilacqua stated that the Board could shelve this until the public hearing, and then review anything that comes in to the Village before the hearing.

Monica Youn asked if she should submit papers in advance, or just bring hard copies to the hearing.

Nikki Berezna, Clerk, stated that she would assume in advance, and that Ms. Youn could send them directly to her.

Chairman Bevilacqua stated that in addition to the rental paperwork, anything pertaining to the time period in which she was in Korea, just to have a bigger body of evidence to show that she wasn't around when the notice went out.

Monica Youn stated that she was traveling extensively throughout 2023, because she was on a book tour and then on a research trip.

Mr. Stout stated that, given that there's four weeks until the next meeting, having the documents submitted by October 7<sup>th</sup>, two weeks from today, would give the Board two weeks to look through them.

Monica Youn asked if the hearing will also be at 6:00 p.m.

Chairman Bevilacqua stated that it will.

A motion to set a Public Hearing on the 117 Riverside Avenue appeal for October 21, 2026 at 6:00 p.m. was made by Jason Southwick and seconded by Brian Tighe. Chairman Bevilacqua voted yes. Brian Goble voted yes. Jocelyn Lane voted yes. Jason Southwick voted yes. Brian Tighe voted yes. The motion carried.

**UMH-Mountain View Estates**-Chairman Bevilacqua stated that the Board received Area and Use Variance applications from Colliers Engineering & Design, on behalf of their client, UMH of Cossackie, LLC, for the proposed 360-unit Manufactured Home Park facility (Mountain View

Estates) on 160 acres of land, located on Van Dyck Street.

Rob Stout, Village Attorney, stated that he doesn't think there's any representative from UMH present.

Mr. Stout stated that there has been some development since the last meeting. The Village Board conducted its own State Environmental Quality Review Act (SEQRA) review as lead agency for the project, a coordinated review that took years from the point where UMH came back with a revised plan: a scoping process, a draft supplemental environmental impact statement supplementing the review of the prior project dating back to 2009, a final environmental impact statement, and ultimately a SEQRA findings statement issued by the Village Board last year. An element required to advance the project was the annexation of certain land from the Town into the Village, the rezoning of that land consistent with the rest of the parcel, and the rezoning of a strip of land already in the Village from RRA to MDR-3 like the rest of the site. All of that has now happened, with the Village Board having adopted a local law at its meeting this Monday approving the annexation and the zone change. A few cleanup items remain for the applicant: a survey of the land being annexed, marking it with monuments, a revised zoning map, and filing the maps and local law. These matters didn't advance before the Planning Board and the Zoning Board of Appeals (ZBA) because there was simply no project unless that land was brought into the Village and rezoned. That contingency has now been addressed, so this Board is free to begin its review in earnest, with the Planning Board probably reviewing secondarily and subsequent to the ZBA, although some things can be done in parallel, because if the variances aren't granted in the way the applicant is looking for, the project is going to be a different project than the Planning Board will be reviewing.

Mary Beth Bianconi, Village Engineer, of Delaware Engineering, stated that she has been working here since 2003. She handed the Board a memo, which is framework material rather than a technical analysis; the technical analysis will come for October. The Board received the application for variance on May 7th, and the site is now entirely zoned MDR-3. The application includes a use variance and a series of area variances. The use variance is to essentially use the existing horse barn and stable again for horses, add some new paddocks, and include that as a recreational amenity on the site, but stables are not permitted as a land use in the MDR-3 zone. She recommends that the Board look at the use variance first and get that decision made, and then roll into the area variances, because if the use variance isn't approved or has conditions, that may impact the site plan and the way the area variances are coming together. The Village Code says each mobile home will be located on a site of no less than 10,000 square feet; the plan has lots as small as 7,000 square feet for up to 240 of the 360 lots. The Code requires each mobile home, including porches or decks, to be at least 20 feet from the closest paved surface; they're proposing 10 feet, a 50% reduction, and she doesn't think they tell how many lots that is, maybe all of them. The Code says the area occupied by the mobile home and accessory buildings shall not exceed 25% of the site; they're suggesting 37%, for 302 of the 360 lots, so it's the vast

majority. The ZBA decisions are subject to County Planning Board referral because the project borders the Town, so referrals will be needed for the use variance and the area variances. SEQRA has already been done and the Village Board adopted findings; the ZBA will need to adopt some kind of a findings statement, pretty narrowly tailored to the variances, and Mr. Stout is working on what that means. Hearings are required for area and use. If everything she listed is accumulated, it's something like 900 area variances; the Board is not going to do 900 hearings, but one hearing on the area variances. For the use variance there's a four-prong approach and the applicant has to meet all of the prongs. The first one is reasonable return, which is a dollars-and-cents analysis based on all permitted uses for the site, so they would have to show they have no other opportunity to get a reasonable return if they can't use the stable as a stable.

Mr. Stout stated that that's an extremely high burden, not just for this applicant but for any applicant, because the analysis is to look at every single use in the Code and establish that for every single use you cannot obtain a reasonable return on the property, and he thinks the Board can see that's a challenge here when they're proposing to engage in these other uses at the site.

Brian Goble asked if the site was zoned for the horse stables previously, and whether they just had this area rezoned.

Ms. Bianconi stated that no, even when it was Contemporary Thoroughbreds way back in the day, the Village's code regarding livestock dated back to the 1800's. When the Village did the comprehensive plan and rezoning in 2006, 2007, and 2008, the acreage closest to the Village was zoned MDR-3 for manufactured home parks, with a transition zone of less density toward the very low density in the Town. That use had been there since the 1960's, and it was a pre-existing, nonconforming use.

Mr. Stout stated that they're not asserting now that they have pre-existing, nonconforming use rights to it; that's why they filed a use variance.

Ms. Bianconi stated that the other prongs are that the alleged hardship is unique and does not apply across a substantial portion of the district or neighborhood, which they sort of check out of the gate, because this is the only place in the Village zoned MDR-3; that the requested use variance will not alter the essential character of the neighborhood, which the Board would need to determine; and that the alleged hardship is not self-created. The key with use variances is you have to meet all four of the prongs, and that reasonable rate of return is a very, very high standard; it can't just be because I said so, they actually have to show in math and in a reasonable pro forma that they can't. That's one of the reasons it's good to consider that one up front.

Mr. Stout stated that the area variance test, in contrast, is much more of a balancing test of whether the detriment to the community is outweighed by the benefits to the applicant, or vice versa, and the Board is not as hemmed in by absolute requirements as with the use variance

criteria:

Ms. Bianconi stated that the area variance standards are whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties; whether the benefit can be achieved through some other feasible method; and whether the request is substantial, which she thinks the Board will spend quite a bit of time on, since asking for area variances for the vast majority of lots in a development might raise to that level, although if the answer is yes it doesn't mean the Board has to deny it, it's just one of the factors to weigh.

Brian Tighe asked, when Ms. Bianconi says 25% to 37% lot coverage, if that is the size of the home on the property.

Ms. Bianconi stated that a rectangle of green grass with nothing on it has 0% lot coverage; a house covering 10% of the lot makes it 10% covered, a driveway maybe adds another 5%, so it's literally how much is covered after you build all your stuff.

Brian Goble stated that he assumes that means paved driveways, and asked if gravel driveways count in that same percentage.

Ms. Bianconi stated that for this development, and she believes under the Village's standards, it's got to be paved. The remaining standards are whether the variance adversely affects the physical or environmental conditions of the neighborhood, and whether the condition is self-created, which, she hates to say it, pretty much almost always these are; that isn't a no, it's more whether there are things they can do in their design that would result in less requirement for relief from the zoning. When granting anything, the Board has to put it in writing and really make its considerations; it can't just be because I said so. The Board can also impose reasonable conditions on both use and area variances that are directly related to the thing that people want to do, as it did a couple of years ago with the James Newbury Hotel variance, where the conditions covered lights, amplified sound, operating hours and landscaping. As next steps, the Board should take a walk through what they're requesting, maybe starting with the use variance, and she will prepare a technical memo with Mr. Stout that will go to the Board and to the applicant well in advance, so that everybody knows what information they're going to be looking for.

Mr. Stout stated that it's highly likely they'll be looking for more information from the applicant to supplement this, so this will not be the only thing submitted in furtherance of the application.

Ms. Bianconi stated that the only justification for the use variance is on pages 3 and 4 of the letter that came along with the application, and it doesn't really get at what the four tests were; it addresses the softer side, but not the dollars-and-cents analysis with respect to reasonable rate of return, so they'll be asking for supplemental materials, particularly for the use variance. On the area variances, the Board is required to make individual consideration; there's no magic wand

where it can say it grants 240. This is a phased project, so they'll probably ask the applicant to break it down into their phases and show specifically on specific lots where they're asking for this lenience; for instance, of the lots they say need to go to 7,000, are there a hundred that are really 9,000. One of the reasons there are so many area variances is that the streets are curvilinear and the Code is written as though every lot is a rectangle, so in some cases it makes sense to provide some relief.

Brian Goble stated that currently the Board doesn't have a breakdown.

Ms. Bianconi stated that that's one of the things they'll be asking the applicant for. She thinks the number of units in each phase is roughly the same, something like 80, so they'll break it down into smaller pieces and look at each of the lots in phase one and say what really works. That's why they were encouraging the Board to pick a day for these meetings, because once they get through the use variance, they're going to be here for a bit rolling up their sleeves on the area variances. Because it's a balancing test and not check the box, they can work with the applicant on what makes the most sense so the lots truly make sense in real life when they're built.

Chairman Bevilacqua asked if this is a multi-year phased situation where, when they were to break ground, there would be years until it is finished.

Ms. Bianconi stated that she thinks they're looking at 10 years; that's in the environmental impact statement. It's not all of the lots, so it would be informative to have a plan that color codes the lots by which variances each needs, so the Board can visually see the relationship between the requests and how significant they are; a lot that needs all three is probably a highly constrained lot.

Jocelyn Lane asked if there are any lots in the Village now that are less than 10,000 square feet.

Ms. Bianconi stated that there are, first of all Van Dyck Street, which is its neighbor, mostly on the north side, where the lot sizes are actually not dissimilar, and a couple of other locations where you could pick out a section of the Village as the representative density you're going to see on the site. That kind of analysis can be informative, because it can be really hard to know from lines on a sheet of paper what 7,000-square-foot lots with the front porch 10 feet from the road and 37% lot coverage look and feel like. That's also going to get into parking requirements; the Code allows 9' x 18' spaces but prefers 10' x 20', and they're talking about a 10-foot setback. The Board is not doing site plan review, but in approving these variances it has to make sure that what it gives to the Planning Board they can actually approve. The applicant has expressed a desire to be cooperative, so they'll plan to work with them and ask them for the things they need.

Mr. Stout stated that that's how the SEQRA process with the Village Board proceeded, and it went quite well.

Ms. Bianconi stated that the use variance is up first, the stables, and the description is at the bottom of page 3 and top of page 4 of the Colliers Engineering & Design letter addressed to the Clerk dated May 7, 2026.

Brian Tighe stated that the first page says May 7<sup>th</sup>, but the second page says September XX.

Ms. Bianconi stated that the header is wrong. The letter says the applicant proposes to retain and utilize the existing horse barn and stable; no new stables are proposed, but several new paddocks are planned as part of the recreational amenity for residents, complemented by a multi-use path, and they make a historical note and talk about how they're going to manage manure.

Jocelyn Lane asked if it would be their horses.

Ms. Bianconi stated that they're proposing it as an amenity, so if you buy a house there and happen to have a horse, you can bring your horse and ride it around the walking trail. They also were proposing a clubhouse in the existing big building as a community amenity, and boat parking and storage. When somebody had a horse up at the Stone House, the Village was referring to its 1830 law on livestock, and the biggest issue was how you manage it: a horse smells, needs a lot of water and care, how do you manage the manure, and how do you prevent vectors, barn cats and raccoons and everything else that wants to hang out with the horses. There's a lot that goes with this.

Brian Goble asked how many horses a barn that size normally accommodates, and how many horses they plan on allowing as the maximum number.

Mr. Stout stated that how it works and how it's going to be run will be issues for the Planning Board to deal with, if they get there; that's outside this Board's scope.

Ms. Bianconi stated that the Board is still focused on those four prongs. They're proposing to build 360 housing units that they plan to sell and make money on, so whatever decision is reached will have to grapple with that aspect of it.

Jason Southwick asked how they went from 301 to 362 units.

Ms. Bianconi stated that it is a very long story, but long and short, there was a lawsuit and a settlement agreement, which lays out the up to 360, and it is not an absolute right; they still have to go through all the approvals.

Mr. Stout stated that there's additional land now in the project because that land from the Town is now in the Village, so more space has been added to accommodate the potential to go up to

that number, and it's their right to apply for whatever number they think they're entitled to, subject to obtaining the variances. The applicant will also discuss the decisions they made to cluster the development in certain areas of the site, leaving large areas undeveloped, partly to preserve what was the initial intention of the RRA zoning district, a boundary from the more intensive development in the Village to the less intensive development in the Town.

Ms. Bianconi stated that, just being frank, that was somewhat out of the goodness of their heart, but also because there are habitat restrictions and wetlands on the site, so they can't develop all of the land they have. But that's bridging into site plan issues.

Brian Tighe asked Ms. Bianconi what the MDR in MDR-3 stands for.

Ms. Bianconi stated that it's medium density residential; that's just a definition in the zoning.

Ms. Bianconi stated that they'll send the applicant a technical memo that provides the four prongs the Board is going to be looking at with respect to the use variance and ask them to be responsive to each of those prongs and provide documentation; that will be the starting point for this review. Mr. Stout will work on findings, which will be an outgrowth of the Village Board's findings statement. Right now the Board doesn't have a lot to look at on the use variance, just the couple of paragraphs they provided, so it needs more information, and maybe they'll also ask for a plan with a blow-up of the paddock area showing what's proposed related to that use.

Brian Goble stated that they're aware of the four-prong standard, so it's kind of on them to present that information to the Board; he doesn't need to go out and find it.

Ms. Bianconi stated that they need to give it to the Board for its consideration.

Brian Goble stated that the Board can expect more later, and asked if he understood correctly that the Board should consider the use variance first before moving on to the area variances. He stated that whether that's approved or not could impact the area variances.

Ms. Bianconi stated that that is correct. One of the things they say is that they would demolish the structure otherwise, but they could also repurpose it for something else, which they may very well do. That's one of the reasons to do the use variance first: if it's denied, they may say they want to use it for some other amenity, which could give them the ability to move some lot lines around if they're not going to build these paddocks, and maybe they don't need to ask for so many 7,000-square-foot lots. The Planning Board wouldn't be able to do anything until this Board's work is done, because they need to know the rules of the road.

Brian Tighe asked at what point the Board will do a public hearing.

Ms. Bianconi stated that the Board will do two: one on the use, and then later on one on all the area variances. She would like to think they could get the request for technical information on the use to the applicant, they could get it back, and the Board could have something in October that's really substantive, which may even allow the Board to schedule a hearing for the use variance in November, so that one can move relatively quickly.

Jason Southwick asked if the barn is part of a historic designation.

Ms. Bianconi stated that the applicant did a whole analysis of their historic stuff in the environmental impact statement. One thing to know about historic structures is just because it's old doesn't mean it's important; to be designated from a state, federal or even local perspective, it kind of needs to contribute uniquely to the history or the culture, and it's not as straightforward a standard as we may all think.

Mr. Stout stated that no National Register of Historic Places eligible properties will be affected by the proposed development, and the New York State Historic Preservation Office issued a letter dated March 16, 2022, indicating that no further investigative work is required and that no properties, including archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places, will be impacted by the project.

Ms. Bianconi stated that they just didn't have time to get the technical stuff together, because they were waiting for everything to settle out with the Village Board doing that zoning, which they just did Monday. They will get the technical stuff together over the next week or so, email their comments to everybody, tell the applicant what the meeting schedule is, and ask them to get their response by a date that will give the Board and them time in advance, so they can then provide a guidance memo for the Board. She hopes that the October meeting can be a substantive technical review of the use variance; this is sort of the level-setting meeting.

Chairman Bevilacqua thanked Ms. Bianconi and stated that it was very helpful. He looks forward to seeing some of that material before October's meeting.

Brian Tighe asked the Clerk if she makes these materials available on the Village website.

The Clerk stated that all this information is on the Village website; there's a UMH Project section with a shared file, a Google Drive, in a giant box on the right, so if anyone wants to look at those plans digitally, they can click it. If anything's happening, notices go up there, and the old notices are there.

Brian Tighe stated that he just occasionally gets people asking him what's going on, so he refers them to that, and he thinks it's a really good transparency and information-sharing thing.

**Public Comment**

No public comment was received.

A motion to adjourn the Zoning Board meeting was made by Chairman Bevilacqua and seconded by Jason Southwick. Chairman Bevilacqua voted yes. Brian Goble voted yes. Jocelyn Lane voted yes. Jason Southwick voted yes. Brian Tighe voted yes. The motion carried.

The meeting was adjourned at 7:12 p.m.

Respectfully submitted,

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

Nikki Berezna  
Clerk