

COXSACKIE ZONING BOARD MEETING

Date: 5/2/22

Time: Start, 6:00 p.m. – Adjourned, 7:03 p.m.

Location: CA High School

ATTENDEES:

Name	Title	Email
Nikki Bereznak	Village Clerk	nbereznak@villageofcoxsackie.com
Robert Stout	Legal Counsel - Whiteman Osterman & Hanna LLP	rstout@woh.com
Salvatore Bevilacqua	Zoning Board Chairperson	salbevilacqua@gmail.com
Glenn Hass	Zoning Board Member	ghh106@gmail.com
Debra Jung	Zoning Board Member	debjung72@yahoo.com
Brian Tighe	Zoning Board Member	brianptighe@gmail.com
Chris Chimento	Zoning Board Member	seasonalviews@yahoo.com
Mary Beth Bianconi	Delaware Engineering	mdbbianconi@delawareengineering.com

NOTES:

Chairman calls meeting to order:

Applicant #1 – Todd Wolford is not in the space or available to discuss.

- Todd R. Wolford has applied for a variance for the building of a new garage at 27 Lafayette Avenue. He is looking for area clearance between the building and property line use. The existing driveway is from Prospect Street to the south. His desire is to build 10 feet from the east property line adjacent to the DeFrancesco's property for efficient use of existing property layout. He will also be 10 feet from the north property line. This location is zoned Medium Density Residential-2.

Applicant #2 – Riverfront Ventures' South River Street project.

- Riverfront Ventures application for the height of the Newbury Hotel will be reviewed and next steps will be discussed with Attorney, Rob Stout, and Delaware Engineering.

Zoning Board Agenda for 5/2/22

Call to order

New business

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the process of reviewing the area variance application for the height of the Newbury Hotel. Action to be taken will be discussed with Attorney, Rob Stout, and Delaware Engineering. The residents of the Zoning Board Agenda for 5/2/22

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Procedural Comment to the public:

Public Comments can be made – must state your name.

Applicant #2 - Riverfront Ventures' South River Street project - Discussion:

Salvatore Bevilacqua, Zoning Board Chairman:

Planning Board met week and a half ago and decided that the Riverside Development was a type 1 State Environmental Quality Review (SEQR).

It is now being reviewed by Village's team.

The Planning Board will then submit the SEQR application to the Village as lead agency.

A public hearing would then be scheduled – where people could submit question/comments in writing.

Sterling Environmental – Mark Millspaugh – makes a Variance Application presentation:

Sterling prepared an application for a zoning variance for the height of the building.

An application for a variance was submitted to the planning board but pre-dated the current plans. The application has now been supplemented and filed today, 5/2.

The supplemented application balances several factors:

1. Undesirable change to neighborhood or near properties: Sterling believes the height increase does not make the neighborhood any more or less undesirable.
2. Achieved by some other fashion – stated objectives include maximizing open space and saving historic structures: Decisions to build in current location was to remain in the existing footprint of a prior building – so that there would be no disturbance of new areas and open space.
3. Is the variance substantial: The finished height of the project will be 65 feet – top of building to ground surface at the street side. “Substantial” is a relative term, but the maximum height for the zone is 30% increase of what is allowed in the zone.
4. Impact to environment of the neighborhood: The height of the building manifests a visual impact and is visible to numerous places approximate to the project site.
5. Difficulty necessitating the variance is self-created: Village issued a permit for removal of existing structure and building of Newbury hotel. That permit was the starting point and understanding where the applicant moved forward from with the project. The State Historic Preservation Office had input into the project as well – as it was in the historic district.

New project information in the supplemental variance application was not in the March 16th site plan, but all the information found in the supplemental variance was in discussion among all the relevant parties.

Sterling Environmental – Andrew Millspaugh – makes a Visual Impact presentation:

A visual impact study was performed as per NYS Environmental policy regarding aesthetic impacts to surrounding areas: Reed Street; Historic District; and the Park.

The impact study utilized a half a mile search radius, which included: land across the Hudson – including the Lynch historic hotel site. Stretches of the Hudson River shores are designated scenic areas.

“Green County Water Assessment Use and Inventory” was referenced as it explains the following:

- Water uses along the Hudson River and the Coxsackie waterfront.
- Areas to be re-developed in this area as they were in disrepair.
- Views of the Hudson River.
- The built environment of the historic Village (Coxsackie).

View shed photos have been submitted that shows the hotel at the allowed zoning of 50' height and the added 65' height. These photos do not take into account trees or other buildings.

Photos were taken from the East show that the steep escarpment blocks much viewshed of the new hotel from the West.

When tree cover and buildings are overlaid (next photo) it give a clearer picture of how the building is situated in the environment.

Last picture indicates viewshed from across the river from the East (to the West) showing the hotel in situation with the Dolan block and the escarpment. The hotel lines up with the full height of the cupola on the Dolan Block.

The constructed hotel stays below the tree line behind it on the escarpment.

Next Step:

An official public hearing will be scheduled. The audience will be allowed to make comments as necessary.

Public Comment (and answers):

Mary Mcguigan: Clarification from audience – 2019 approved plans (site plan approval) conversations occurred after the permit was issued that led the developer to think they could move forward with changes - as they have done? Is it usual for such a discrepancy?

Andrew Millspaugh of Sterling responds: Numerous detailed construction plans were subsequently made but were not part of the 2019 submission. The site plan should have been amended to match the detailed construction plans. There is a difference between the site plan and the detailed construction plan.

Veronica Foley: Veronica submitted a FOIL for the building permit, and found that plans/renderings needed to be submitted. She stated that the Building Inspector is at fault for this issue. She continued that the legal issue is “self-created” and believes the

applicant would need to re-submit for every outstanding issue – beyond the fact that the structure was already built.

Katie Higgins: Read through all related materials. She asked about the difference in the elevation of 74.56 (based on mean sea level) vs. the building height of 65 for the difference of elevation to top of building.

Andrew Millspaugh of Sterling responds: A site plan modification survey was done of the existing building.

Katie Higgins: Is there a known franchise agreement for the development? She has spoken to Hilton Management and was told there was no relationship. She researched this because the reason behind the variance seemed related to this.

Aaron Flach of Riverfront Ventures responds: They used Hilton's specs/standards for the basis of design (rooms/bathrooms) to ensure the best guest experience – but there is no relationship with Hilton and there is no plan on it becoming a franchisee. It will remain an independent hotel.

Andrew Millspaugh of Sterling responds: Overall economics of the project was researched (market analysis, hospitality experience, with/without a restaurant, with/without a convention center; Hospitality in Covid). To attain the stated objective in the Village center was to create a commercially viable project (to update Patrick Henry's, the spa, etc.). The Newbury Hotel was the economic driver behind the rest of the project. This is where project characteristics such as 45-50 rooms; interior restaurant for guests and community (vs. a separate free-standing restaurant) – It was decided to add the fifth floor to accommodate all of this.

Katie Higgins: Wouldn't an economic analysis have occurred before submitting for a building permit – as due diligence would have been done prior to permitting – why would you submit a project that was not researched appropriately in advance? A path to viability after the permit does not seem an excuse.

Janet Foley: Is the three-story height limit related to fire protection?

Robert Stout of Whiteman Osterman & Hanna LLP responds: Zoning of 50 ft goes into many factors and so cannot respond directly about fire – but fire will be addressed

Mark Evans, Village Mayor responds: Ladder truck is 77 feet tall – so there is no problem accessing the height of the current building.

Veronica Foley: Has an assessment been made about the extra rooms being added due to the extra floor related to parking and traffic? The project started at 160 parking spaces and is now at 210. She is aware a ratio exists for parking per room. She wants to see if this will be accounted for and included in the future traffic analysis?

Katie Higgins: She did not see packet provided to the zoning board. She is interested in the viewshed from local streets: Church, New, Ely, Mansion. She sees the new/existing building from her home. She wishes the viewshed analysis included views from historic homes (from 1800s) in town.

Melanie Lekovich of the press: How many rooms will the hotel have?

Andrew Millspaugh of Sterling responds: – The hotel has up to 46 rooms.

Brian Rowe (Zoom): When will the supplemental materials from Sterling Environmental be made available to the public?

Nikki Berezna, Village Clerk: Supplemental materials will be available tomorrow morning, 5/3.

David Weissman (Zoom): To the Zoning board.... the original site plan should again not have been approved in the first place in 2019 as the land next to 38 South River Street was not owned by Empire Real Estate. It's very important that the Zoning Board be aware that this issue has not been resolved at this junction and there are unresolved legal issues that relate to this. A site plan cannot be approved by a zoning board at this junction. Second the Zoning Board should be aware that the residents who live on Ely Street who are heavily impacted by the hotel were not notified about the developer's intentions in 2019. If the developer had notified and worked with the community that would be impacted, the issues with this would not be affected in this case. Every step of the way the developer has not interacted with those that would be impacted. If a project is done to help community, you need to make the community aware.

Audience Member – not Identified: Community awareness – 2019 site plan was reviewed, but there was no other review through to 2022. Fire department knows it can be reached, but then how was there no review afterwards – is this correct?

Andrew Millspaugh of Sterling responds: There were numerous emails and sharing of plans over the entirety of the timeframe.

Kim McClean: Was there no clarity that things have gone awry? Nothing happened – no red flags went up for three years?

Veronica Foley: Mentions Mark Evans (Mayor) would be hosting a meeting – which would be a good time to bring up the concerns of the audience. This would be a good time to review the process as well.

Salvatore Bevilacqua, Zoning Board Chair: There was no variance applied for until now – so no Zoning Board review was necessary.

Brian Rowe (Zoom): To Sterling Engineering, when were the construction drawings for the hotel originally submitted to the Village? The ones available on Zoning Board page of the Village of Coxsackie website are circa 4/23/21.

Andrew Millspaugh of Sterling responds: Plans were submitted in August of 2020 and then supplemented into 2021. He does not have the actual dates. It is part of the public record.

Salvatore Bevilacqua, Zoning Board Chair: The variance will be tabled until the SEQR is complete and there is time to review more accurately. Next meeting will be scheduled once this is complete.

Applicant #1 – Todd Wolford – Discussion (in his absence):

NOTE: Both live and Zoom audience left the meeting. There was a pause while this occurred.

Todd Wolford has requested a non-attached garage – 10' from the West line and 10' from East line. The rear line is supposed to be 25'. As it is unattached, it is considered an accessory structure (not the main structure), however the code says it can be 5' and 10'. This lowers the threshold from 25'.

Mr. Wolford is looking for a 4-car garage.

No site plan has been submitted.

Mr. Wolford is not in attendance but told the Chair (before the meeting) he spoke with neighbors, and they were ok with his garage.

The Zoning Board can respond by saying one of the following:

1. Don't need a variance
2. Need one and will/won't give one
3. Don't need a variance, but will still review to take a hard look...

The Zoning Board will need to know if there is any other precedent and will want a sketch plan.

If Mr. Wolford was at the meeting, he could have been told to bring the sketch plan. Chair will contact him.

The Zoning Board could schedule a public hearing and he could bring the plans next month. If he does not show or provide information at the next meeting, then it can be pushed out to the next month. The timeframe does not begin until end of public hearing.

Letters will need to be sent to neighbors.

Meetings could be first Monday of the month – June 6th. Regarding Mr. Wolford's application.

A motion to schedule a ZBA Public Hearing on Monday, June 6th at 6:00 p.m. for the Variance Application for 27 Lafayette Avenue (Todd Wolford) was made by ZBA Chairman Bevilacqua and seconded by Brian Tighe. Christopher Chimento voted yes. Glenn Haas voted yes. Debra Jung voted yes. Brian Tighe voted yes. The motion carried.

The Zoning Board will include the Pledge of Allegiance in next the meeting.

NOTE: The Planning Board cannot approve a plan that needs a variance. The variance needs to be approved so the planning board can approve the plans.

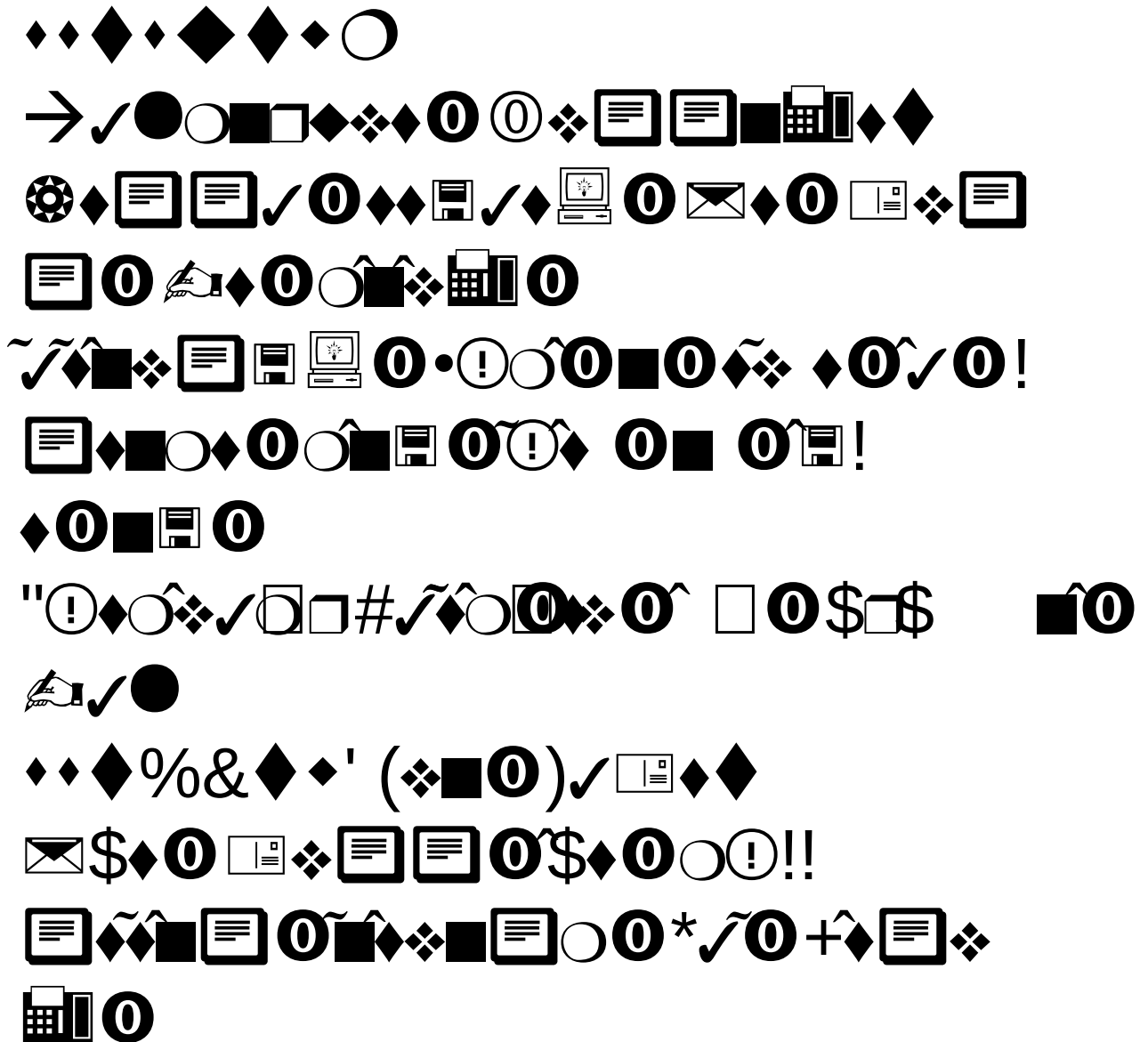
The Zoning Board has nothing to do for the Newbury Hotel until the SEQR is settled.

A motion to adjourn the meeting was made by ZBA Chairman Bevilacqua and seconded by Brian Tighe. Christopher Chimento voted yes. Glenn Haas voted yes. Debra Jung voted yes. Brian Tighe voted yes. The motion carried.

The meeting was adjourned at 7:03 p.m.

Respectfully submitted,

Christopher Chimento
Zoning Board of Appeals



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