

**A Public Hearing was held Monday, May 14, 2012, at 6:30pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Stephen D. Flach, Supervisor  
Dawn L. Rogers, Councilwoman  
Thomas A. Boehm, Councilman  
Thomas E. Dolan, Councilman  
Peter E. Masti, Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Gregg Darlington, Chief of Police  
Albert Deering, Highway Superintendent  
Larry Conrad, Code Enforcement Officer

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Supervisor Flach opened the Public Hearing and led the Pledge of Allegiance.

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### **OPENING COMMENT**

Supervisor Flach stated that the purpose of the Public Hearing was to receive comments from the public on Proposed Local Law #1-12, relating to amending Chapter 138 of the Coeymans Town Code. He then asked that Town Clerk Millious read the Notice of Public Hearing.

### **NOTICE TOWN OF COEYMANS TOWN BOARD PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a Public Hearing will be held by the Town Board of the Town of Coeymans on May 14, 2012 at 6:30pm at Town Hall, 18 Russell Avenue on Proposed Local Law #1 of 2012 as follows:

Town of Coeymans Proposed Local Law #1-12.

**A LOCAL LAW AMENDING CHAPTER 138 OF THE COEYMANS TOWN CODE.**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF COEYMANS AS FOLLOWS:**

Section 1. Purpose

The purpose of this local law is to clarify the prohibition on disposal of solid waste contained in the Coeymans Town Code to indicate that recycling operations are permitted in the Town provided all applicable state and/or local approvals are obtained.

Section 2. Amendment

Town Code Section 138-17 is amended to add the following sentence:

This local law shall not apply to any recycling operations or recycled materials permitted under applicable law.

Section 3 Amendment

Town Code Section 138-16 is amended to add the following sentence to the definition of "Solid Waste".

Solid waste does not include recycled materials processed at an approved recycling facility.

Section 4. No Other Changes

All other provisions of Chapter 138 shall remain in effect.

Section 5. Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

**By Order of the Town Board  
of the Town of Coeymans  
Diane L. Millious  
Town Clerk**

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**SUPERVISOR’S COMMENT**

Supervisor Flach stated that he realizes that there are quite a few people present and everyone wants to voice their opinions and concerns and they want everyone who wants to be heard to have the opportunity and those wishing to speak needed to sign in and include where they live and when speaking, to direct their comments to the Town Board and that they would also ask that they only speak once and keep it to three minutes so everyone has a chance to speak. He went on by asking that there be no comments from the audience during or after someone had spoken and added that he wanted to assure everyone that no decision on the subject will be made and there will be another Public Hearing in mid June. He continued by saying that between now and then they will be taking a closer look at Local Law #138 and related matters for further modification and clarity as well as reassuring that the point of changing the local law is in no way, shape or form to bring a landfill into this Town. He reiterated that anyone wishing to speak should sign-in, three minutes will be allowed to make a comment, each person wishing to speak needs to come to the microphone, each person will be allowed to speak one time with no comments being taken from the floor and to limit comments that only pertain to Local Law 138. He concluded by asking that Code Enforcement Officer Conrad make a statement before they commence with the Public Comment.

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**CODE ENFORCEMENT OFFICER CONRAD’S COMMENT**

Code Enforcement Officer Conrad stated that he wanted to familiarize everyone with the situation and he wanted to clarify that it’s not about the Port of Coeymans or anyone in particular and it’s actually the ability to enforce the law as it is written. He added that the law originally came into effect in 1995 when the City of Albany made their intentions clear that they wanted to place a landfill in the Town of Coeymans and the Town’s Environmental Attorney was Theresa Backner, who has since gone to work for the City of Albany and is their Environmental Attorney. He continued by saying that she was responsible for the drafting of the law, which he and several other people in the Town agree was poorly drafted and conflicting and part of the reason why over the past numerous years he has asked and as recently as February for the Board to look at the laws and try to do something with them so they can be enforced. He added that Local Law #1-95 was drafted originally as a stand-alone law and was to deal with the importation of solid waste as they know it and he is not sure why it ended up in the Recycling Section #138 when he thought it was intended to be in the Landfill Section, which should be Chapter #109 and this is one of his concerns. He continued by saying that he believes that the reason it ended up being where it is, is because in the year 2000 when the Town underwent codification they allowed General Code Publishers to look at the titles of the laws and merge things together where they saw fit and no one challenged what they did and this is basically what it is and it ended up being Article 2 of Chapter 138, with Article 1 being drafted at another point in time. He went on by saying that currently Article 2 of

Chapter 138, Solid Waste Collection Recycling and Disposal of Solid Waste aka Local Law #1-95, Article 1 was adopted by Local Law #2-92, and it to was titled Recycling and Disposal, which he thinks is the reason that General Code Publishers merged them together. He added that Local Law #1-95 was a stand-alone law dealing with the importation of solid waste to any site within the Town ie. landfills was the intent, which mainly deals with solid waste generated outside the Town and not inside and not outside the State of New York because it didn't want to interfere with Interstate Commerce Clause and the law repealed any law in conflict, provided however that this law shall in no way repeal, modify or otherwise alter Local Law #1-76 and Local Law #1-82 of which Local Law #1-76 had already been repealed by Local Law #1-82, which made no sense. He continued by saying that Local Law #1-92 also repealed Local Law #1-76 and repealed and superseded Local Law #1-82, a Landfill Law dealing with the Town of Coeymans and the Town of New Baltimore's site on Jarvis Road and Local Law #1-92 specifically dealt with the Town's operation, hours, permits and use of the landfill, which has now been closed for years. He added that Local Law #1-92 deals with a landfill that has been closed for years and is still valid when Local Law #1-95 appears to have repealed this outdated law and maybe Local Law #1-95 originally dealing with the aspects of importation should have replaced Chapter 109 – Landfills as it appears to have repealed and superseded the previous Local Laws not Article II of Chapter 138, intended to require recycling. He continued by saying that another problem is that Local Laws are somewhat limited in scope with respect to inconsistency with Federal and/or State laws, which means the Town can not write a law that violates the Interstate Commerce Clause as they noted but they forgot to take up some of the state laws, which require recycling like the Solid Waste Act of 1988, which lead to the state requiring every County, City Town and Village to implement recycling laws by 1992. He added that the State further required waste oil to be accepted by every motor vehicle repair facility no matter if it was from the Town of Coeymans or the Town of Bethlehem and also required motor vehicle repair shops to accept antifreeze and tires as part of the recycling and they don't require John Doe from the Town of Bethlehem to take his replaced exhaust system home for disposal or whatever parts that were replaced. He went on by saying that the clothes recycling boxes do not state "Town of Coeymans residents" and Northeast Chimney, who installs stoves, removes old ones, installs chimneys and removes old concrete brick and metal for disposal doesn't work for only the Town of Coeymans residents and it does not even begin to cover the home junk collectors throughout the Town. He continued by saying that the Lions Club who collects cell phones and eye glasses do not require only Town of Coeymans residents, and they too will be banned by the law and the Bottle Recycling Law of New York State and the thousands of tons of recycled blacktop that are recovered at Callanan's, Lafarge and P&M, the Junkyard Recycling Facility that the Town of Coeymans ZBA issued to Mr. Trickey in 1996, or the junkyard operated by William Zabel, which is also permitted and then there are the Special Use Permits that the ZBA has issued for filling, which allows concrete, bricks and blocks, also referred to as "clean fill" by DEC to be used. He concluded by saying that all of these issues appear to be in violation of Local Law #1-95 if the solid waste is determined not to be from within the town or outside of the state, which makes it difficult to enforce and monitor and he would have to check with every motor vehicle repair shop to see who is bringing tires in, especially when New York State requires them to recycle. He then asked that the residents of the town be a little bit more considerate because if they don't do something with the law, he is not sure that it could hold up to a legal contest in court and he does not know where to start to enforce it as a Code Enforcement Officer, which has been his concern for many years now with all of the Boards and reiterated that he hopes that people understand that they need to do something.

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**PUBLIC COMMENT**

Supervisor Flach stated that they would start the public comment and he start by calling the first name on the sign-in sheet and in turn, they come to the microphone for their comments.

**Mr. Rick Touchette** stated that he would be very brief and added that his feeling is that Chapter 138 has protected this town from the detrimental effects of an Albany Landfill for nearly 20 years and his question to them is why this law and why right now?

Supervisor Flach stated that they are not going to take questions and but he would be answering this one to start with. He continued by saying that we need recycling in this town and it is a private business that is willing to open a Recycling Center where there already is junk recycling permitted from 1996 and in looking at this himself, as a resident as well as the Supervisor, they need to recycle and if someone is willing, there is no service within the town to get rid of recyclables. He continued by saying that if it is a business that makes a profit through this, then so be it and God bless them, it is capitalism in America and if someone is willing to do this for the Town, he believes that it is something that they need to do.

**Mr. Keith Crossley** stated that he lives at 29 Second Street in the Hamlet and he is against changing the law because he feels it will open the door to Albany for making another attempt with the law more lenient towards them to bring their landfill in here and the Town will probably become the Regional Dump Capital.

**Mr. Carver Laraway** stated that for those who don't know him, he is from P&M Recycling and he wanted to thank the Board for their support to mend and fix the law so it does allow recycling and he believes that everyone in the room recognizes the need for recycling and he feels as though it is what it is all about. He concluded by saying that if they all recycle, there is no need for a landfill and it is as simple as that.

**Mr. Tony Cardona** stated that he is Counsel for P&M Recycling and continued by saying that everyone is concerned about this turning into a landfill and it is really not what it is about and recyclables is 100% in and 100% out, there is no waste or anything getting buried. He continued by saying that it all started as a "Not in My Backyard Law" and driving down here he saw signs that say "no dump" but this has nothing to do with a dump, it is material coming in and being recycled and they are saving the natural resources of everywhere and there is nothing going in the ground. He added that a lot of attention was spent talking about "spent materials", which are useless and worthless and he Code talks about garbage, refuse, industrial and commercial waste, sludges and rubbish, of which none of it applies and the key words are spent, useless and worthless and the materials and solid waste contemplated by the amendments of the Proposed Local Law, provided for recycling are those of commodities and recycled materials are considered commodities for the value they possess as a raw material.) He went on by saying that they are all going back into the world and are going to be used again, and include tin, junk, scrap metal, asphalt, copper, aluminum, etc., all being used by different companies and processors around the world. He continued by saying that Code Enforcement Officer talked about technical violations of the Local Law now, which are all over the place such as bottle and can drives by the Boy Scouts, which is not the intent and not why Chapter 138 was put into place and it was put into place to keep the dump out and he lives in the Town of Bethlehem and he does not want a dump in his town either and they can understand that. He added that anyone getting mulch from outside the Town is in violation of the law and back in 1996 the Town's Zoning Board of Appeals in dealing with the Tricky property, recognized the need for this and permitted it and issued a Special Use Permit and they need to continue, they need to keep the garbage out of the landfill and recycle and nothing prohibits Mr. Laraway from doing what he's doing now. He concluded by saying that Mr. Laraway is acting in accordance with the law and there is nothing that prohibits recycling, according to the law and the 138 amendment will just clear it up and even the Town recognizes the need for salvage and in looking at the budget he noticed that the Town salvaged \$200.00 worth of metal somewhere and included it in the budget for this year and they all need it and should have it.

**Mr. Richard Stack** stated that he lives in the Village of Colonie and is a friend of Mr. Carver Laraway and he was talking to him about the proposal for amending 138 in the Town of Coeymans. He added that he's seen a lot of Transfer Stations built around the State of New York with one recently in the Town of Berne, which has been very successful and it is true that everything that goes in, goes out and the reason it goes out is because you are paid a fair price for the material, whether it is a milk jug or scrap metal at

\$300.00 a ton and it is salvageable and there is a need for these products across the board. He continued by saying that being from the Transportation Committee of the Business Council, utilization of moving this stuff via truck or getting it to another place to be recycled is invaluable to the community and keeping your community green and clean and in his Town, the Town of Colonie, even though they recently leased their landfill, the people had a place to bring tires, old metal containers, computer tubes and paint, which are all things that no one knows where to put. He concluded by saying that it is a very worthwhile endeavor to clean up the language within Chapter 138 and he would say that everyone remembers what Powell & Minnock looked like down by the river, which was an eyesore and if a persons business is a reflection of what it looks like, Carver Laraway does a good job.

**Ms. Joann Segal** stated that she lives in the Hamlet of Coeymans and in listening to Mr. Conrad, it made her rethink a lot of what she has to say now and added that if she remembers correctly when she was at a meeting where Mr. Laraway spoke, he was asked if he would take household waste and his answer was “not yet”, which means that at some point there will be household waste coming into the Port of Coeymans at the entrance or exit to our town. She continued by saying that she looked online and has seen that very few towns allow recycling centers such as this at their entrances, where people drive through and it does not say to new families that want to move here, to come to our town where you pass a dump and as far as how the Port looks, to her it looks like a dump with piles and piles of old cars and metal and it looks awful with no landscaping and the Tricky property is right next to the only church left in the Hamlet and it looks like a dump too. She went on by saying that when Mr. Masti ran for office, one of things that he was quoted as saying “to concentrate on assisting small businesses and encouraging them to locate in the Town, which includes sprucing up the Town to make it more attractive for visitors and residents alike” and added that she really liked what he said because he was the first person that she heard talk about how our town looks. She continued by saying that right at the entrance to our Town, which you don’t see in any other town, there is a huge port where you can see piles and mountains of junk and she thinks that it will affect a change in who will move here if they do change things, as well as affecting the kinds of business that they have here, which includes a successful marina and restaurant down by the port and she does not see how barges and barges of trash and truck and trucks of bringing recyclables in, is going to benefit the Coeymans Landing Marina or any other businesses up and down the river. She went on by saying that in looking at the taxes, the Port of Coeymans pays a good amount of taxes but not as much compared to some of the other businesses in our town and the dairy farm on Stanton Road pays almost \$26,000.00 in taxes and P&M Brickyard pays \$43,647.00, while the Marina pays \$29,000.00 in taxes and the differences are amazing with two Mobile Home Parks paying \$43,000.00 and \$57,000.00, which she does not understand. She concluded by saying that they need to change the law to make it more understandable but not to benefit one business as well as all of the other recyclable places and junkyards in town will then be open to do the same thing and start to import solid waste as she heard Mr. Laraway say.

**Mr. Bill Biers** stated that he supports rewriting the law, which he thinks is a good thing and will be beneficial to everyone. He added that Mr. Conrad gave a good speech and he didn’t understand any of the Articles but he thinks that it is great that they are doing it because he has a vested interest in this because he owns 70-80 acres in between P&M Brick and the Tricky property. He continued by saying that he has known Mr. Laraway most of his life and he is a straight-up business person and when he says he is going to do something he does it and he does the right thing. He concluded by saying that he supports it 100% and the Town needs a recycling center.

**Ms. Mary Pape** stated that when they are making the decision on behalf of the citizens of the town they need to keep in mind that there are no regulations on the chemical wastes due to fracking and if they change the law they may dispose of the waste here and change our town forever. She continued by saying that they probably would not want to put that near the river but it could end up near anyone’s home and there is shale up Gedney Hill way and they may frack there and they would not have to go far with the chemical waste. She concluded by saying that she thinks that this law opens the door for a whole lot more problems in the future for the whole town.

**Mr. Bill Bruno** stated that he lives at 19 Uthe Boulevard in Coeymans and he is not there to oppose or affirm the local law and apparently it needs to be corrected but he is concerned about quality of life issues in the Hamlet of Coeymans and he would hope that the Town Board would negotiate with Mr. Laraway to do things to help with that issue. He continued by saying that they do have a noise issue, as they are aware, and there have been some improvements but it has not been totally rectified, if it can be and added that he thinks that he does run a nice business and he has heard people speak of the operation and he has personally toured the facility, which he believes is a clean operation and he trusts in that sense that he will do a fine job. He went on by saying that what they don't know is what will happen with future owners of the business and there are concerns with noise, potential odors, and traffic and there already are several properties for sale in the Hamlet and he is hopeful that if he brings employees in, someone will come in and buy these properties. He concluded by saying that it is important to him that Mr. Laraway take an active interest outside the Port of Coeymans as well in the Hamlet of Coeymans because of the proximity to his operation and his success could be the success of the Hamlet of Coeymans or it could hurt the Hamlet and he would encourage the Town Board to push Mr. Laraway to work with them to make improvements or to help the Hamlet of Coeymans to be revitalized.

**Ms. Josie Bruno** stated that she lives at 19 Uthe Boulevard and she is for businesses coming into the Hamlet, is an active Real Estate Broker and lately she is concerned with the huge tractor trailer that is being used for signage because she has a property for sale by the recycling center and no one will look at it because they are very concerned and she feels bad for her client. She continued by saying that she is asking that the Town Board look at all of the factors as far as signage coming into the town and the noise and she lives up above the recycling center and they have never complained about the noise from the Port and they welcome business into the town and hopefully the Village to bring more people here to live. She concluded by saying that she wants them to take into consideration the noise and to be proactive and make sure that if the recycling center does come there, that it is not noisy because it will affect their residents.

**Mr. Gary Bogardus** asked if anyone knew what tomorrow was and added that it is the School Budget Vote with a 6.8% increase and never before has there been a 6.8% tax increase. He continued by saying that he commends Mr. Laraway for trying to bring more business here because it is what they need and added that he does not know if he is in his right mind with a 6.8% increase and the way that taxes are going up but he should be commended for bringing business here under these conditions. He went on by saying that we need a Recycling Center, we have always wanted one but have never had one and if they don't get some business here to off-set some of the taxes, no one is going to be living here. He added that years ago you could not drive through Coeymans without holding your nose and many people don't remember that but now it is a whole lot better than it ever was down there and they could go back to growing mushrooms again, which is farming, and they can't stop you from farming. He concluded by saying that he is in favor of it, we need it and it will bring revenue to the Town and it is a win-win.

**Mr. Jim Travers** stated that he wanted to go back to some of the history from Larry's presentation earlier and added that one of the reasons that this law was passed, that they are trying to pass, was because of corruption and there was illegal dumping at the Town's Landfill and the school buses could not even travel down Jarvis Road because the traffic was so heavy early in the morning and there was mention of a Recycling Center at the Jarvis Road Landfill and Larry might tell them who operated it and that the Town did not get any money for it. He added that they are all for a Recycling Center for the Town and as Mr. Cardona had said, there is wealth in our recyclables and he wants the Town to have it and Mr. Laraway has not provided any tipping fees as a host benefit. He went on by saying that they are trying to change a law that all of the administrations over the last 20 years have fought to protect and he thinks it is rather rash and Mr. Laraway does not have a Recycling Center down at the Port, it is not the nature of his business or what he is permitted to do, which is being permitted to sort construction and demolition debris and that permit is issued by the DEC. He continued by saying that if he wants a Recycling Center in this town he has to apply to DEC for that permit and if they pass the law he can get the permit, if they don't, he can't and as he said it is the Town's interest to have a Recycling Center. He added that Mr. Laraway spoke about all of the mootness of the

laws and that the Town does not have a Recycling Center, which only shows the lack of action of the Town Board's in not appointing a Recycling Coordinator to operate a Recycling Center and then asked where the benefit would be to the Town. He continued by saying that the heavier trucks are going to impact the infrastructure and drive up costs and then asked how the Town will benefit from that and how it benefits from increased traffic and as he said earlier they cannot change the definition of solid waste to their liking because it is interpreted and defined by Federal and State regulations and recyclables are solid waste and they can call them what they want, they can call them commodities. He went on by saying that he is for jobs and earlier he provided the Town Board with a document that stated increased recycling will create a million and a half jobs and he has the Executive Summary and Appendices that the Town Board should take a look at, which he is submitting as part of his testimony as well as giving them the New Yorkers for Zero Waste Platform, which explains better techniques to deal with waste. He concluded by saying that DEC will help this town get a Recycling Facility operating if they want to do that and reiterated that they should not change this law.

**Ms. Donna Pasquini** stated that she lives in the Hamlet of Coeymans and she believes that they need a Recycling Center and Coxsackie has had a Transfer Station for years, which is where most of them are going if they have friends or relatives in Coxsackie because they have no place to go with it. She continued by saying that if you buy a new refrigerator or washer there is no place to go with the old and this is a business man who is willing to come into town and open another business and then asked what is wrong with bringing business into our town. She added that as far as the Town Board running a Recycling Center, everything in this town is to the point where everything has been cut back and scaled back so far because of taxes and they don't even have enough employees to even run the Highway Department let alone a Recycling Center. She went on by saying that she moved into town 34 years ago and when driving down Rte. 144 she closed her windows and vents and turned off either the heat or air conditioning because the Mushroom Plant reeked and she would rather have things recycled than to have an odor from something else going in up there. She continued by saying that she feels as though Mr. Laraway has invested money into this town with the Port of Coeymans that no one else wanted to and they should not refuse him the right to open another business because without business in this town, we are going to be a ghost town and County taxes are set at 9% and School Taxes are 6.8% and people are going to say that they can't afford to stay in the Town of Coeymans. She concluded by saying that they are going to run some of the smaller owned businesses, like Fori's Variety, which has been here for years, out of town and is on the verge of selling because she cannot afford the taxes and does not know how much longer she can stay open and then asked if they want to run people out of Town or do they want to keep people in town.

**Mrs. Mary Driscoll** read the following: as you know I have advocated the needs for jobs in this community for quite some time, having lived here for over 47 years I have seen how the loss of industry and/or factories has affected the residents, our schools and the future of our children and none of these affects have been good. If you listen to the President, read the papers and/or attended the hearings last year regarding the Cement Plant, you would know that this Country, this State and especially Albany County is desperately in need of industry and businesses just to keep afloat. We need industries, we need jobs, we need taxes to pay for our schools, we need to wake up and do something about encouraging businesses and industry to come here, not drive them out. Since you said we could not ask questions, I have a couple statements. Councilman Dolan I believe is a member of the Association, to me the Association is nothing more than a smaller example of the lobbyists in Washington who spend all kinds of money to persuade the Legislatures to vote for their agenda. If you are a member of the Association, how can you vote on this resolution? I don't feel as though you can and you definitely should refrain from doing so. For Councilman Boehm, last year it was stated by one of your fellow Councilman, that experience on the Town Board meant that the Councilmen knew what they were doing. Did your experience tell you that you should not have made motions to hold a second Public Hearing before you knew the outcome of the first Hearing, or did your motion mean that you caved in under pressure of mob rule from people yelling or that you already knew what the outcome of the first Public Hearing would be?

Councilman Boehm interjected that he would answer that and he did move to have a second Public Hearing because he wanted a room full of people to vet the issue, and put the information out there so they could take it to the Town Board and make a rational decision because they are all too often criticized for pushing things through and not having the time to discuss things and that is the reason why he made a motion for the second Public Hearing, so people like herself can stand where she stands, to say what she wants to say.

Mrs. Driscoll stated that it was not the people standing there that pushed it, it was the people sitting there yelling.

Councilman Boehm stated that he pushed it and it was his idea.

Mrs. Driscoll stated that for all of them in the room, she is going to tell them what she said ten years ago, they will get the Albany Landfill here, regardless of what they think and it is all of the opposition to the Recycling Center to discourage competitors so that when Albany finally wants to establish their dump here, not a Recycling Center but a dump, they will welcome them with open arms because we will be under so many debts and taxes that they can't afford not to. She continued by saying that it might be being used to further someone's career in politics and 40 years ago she sat in the room when they did the Master Plan that they proposed for the Town of Coeymans and Mr. D'Ambrosio got up and said "if you don't tax the grand plan, if you don't approve it, you will end up as the south end of Albany". She concluded by saying that a lot of them don't remember that after World War II, Japan was rebuilt on recyclables and to look where Japan is today and added that as an after thought, whenever she writes a letter to the editor, she has never been ashamed to sign her name to it.

**Ms. Patti LaFevre** stated that she lives in the Town of Coeymans and has lived in the town for 54 years and she supports the Recycling Center and it is really important to generate business in this town and by generating business in town you are increasing jobs in this town and those that will be working at the Recycling Center will stop at the pizza joints, get their gas, go to restaurants and generate business. She continued by saying that someone had mentioned that they are almost a ghost town but as far as she is concerned they are 85% of the way to being a ghost town and we need to encourage business here and we need to help support our schools where they teach recycle, reuse, renew, revitalize and this Recycling Center could definitely vitalize this town.

**Ms. Audrey Toussaint** stated that she lives on Tracey Road in Ravenna and she wanted to speak about her support of the Recycling Center. She added that she grew up here but when she had a child she chose to move and has lived elsewhere and for 26 years in Clifton Park and there is a Recycling Center in Clifton Park, which is a town of 70,000 and you would not know that it is there, except for the convenience. She continued by saying that her one big problem with moving back here is that she is a huge recycler and there is no place to go and she is not going to load up and drive to Albany or Coxsackie. She continued by saying that she didn't feel as though this community had anything to offer 26 years ago and in moving back, there is nothing here that wasn't here when she left 26 years ago but some things are gone, which is actually a step way back. She added that a Recycling Center will be a convenience, offer employment, bring revenue to the town and enable the Town of Coeymans to begin going green and in talking to some residents who are in opposition, they said that the main reason is increased traffic. She concluded by saying that the numbers in this town are decreasing and people are moving out and not in and any increase in traffic will be offset by the loss of people that have left here.

**Mr. Laszlo Polyak** stated that he lives in Ravenna and is in favor of this and in 1975 the Town decided to recycle and since then a lot of other towns have taken its lead. He continued by saying that if they are concerned with recyclables, the carpet that they are standing on probably has recycled fibers in it, the desk that they sit at has recycled fiber board and wood fibers and all around them there are recycled items. He continued by saying that 35 years ago you could not drive down here without rolling up your windows and as industry changed and the Mushroom Plant went to the wayside, other people came in and the Allen's who are in the audience turned the marina into one heck of a marina

from when it was an eyesore and Yanni did so to when he opened his restaurant as well as Mr. Tricky, who also was well respected and Mr. Laraway wants to do the same thing and it is very much needed. He added that in California they have garbage trucks that have two sides, one side for general waste and the other side for recyclables and it has three compartments for solid waste and one of the compartments is for food products and it goes back to the landfill where it is turned into either mulch or dirt, which is also a wave of the future. He added that we can ask to use some of the recycled products to build things that we need in our parks, such as swing sets and maybe some wood that comes in could be set aside to build an amphitheater down at Coeymans Landing where people can sit, which is something positive for the community. He continued by saying that it will create jobs and related jobs and a solution for the trucking might be at the north end of Trickey's property, they could put a bridge across the creek there, which would eliminate the trucks entering at the hairpin curve. He went on by saying that these could be solutions and are ideas and as far as changing the wording of the law, they should change it, as far as a dump coming here, it's not happening and never will happen because our children have been engrained about recycling that they won't allow it and our children's children won't allow it because there is money in every thing that is recyclable. He concluded by saying that in Coxsackie there was a group called Twelve Tribes and they took down old barns for free and reused the wood and some of the old wood from those barns is worth thousands of dollars per linear foot because the grain is so beautiful and can be made into wonderful pieces of furniture.

**Ms. Leslie Lopez** stated that she lives in the Hamlet of Coeymans and she is all for recycling and having a Recycling Center would be a wonderful thing, however she is very concerned about the quality of life as well and what will happen down the road if it's not this business, what would the law change mean for another business that comes along, or the landfill eventually. She added that she thinks that it needs to be addressed in whatever they put in their laws and her big concern right now with adding a Recycling Center, is the traffic with the trucks on the road. She continued by saying that as it is right now, she lives on Rte. 144 and there is not good infrastructure with the water & sewer pipes that are constantly breaking and the roads are a mess and have fallen apart along the edges and nothing is being done. She went on by saying that the water pipes need to be redone and the road needs to be taken care of and it was her understanding, initially, that the increased truck traffic was going to be coming mainly from Exit 22 down to the Port and they get a lot of trucks going by her house and her entire house shakes and she is concerned about property values going down. She concluded by saying that in addition she hears people talking all the time about flat tires of the people that travel Rte. 144 and her own family has replaced probably seven tires on four cars in the last year and it wasn't until she heard people talking about it that she began to realize it is because they are going over these roads where trucks are going and things are falling off the truck and they are paying for that.

**Mr. Jerry Hall** stated that he lives at 10 Greening Lane and he wanted to say that he has not known Mr. Laraway very long and has had limited exposure to his operations but the exposure that he has had has been very awakening. He added that he has a tremendous talent to pick responsible people to run each one of his operations and it goes right down to every one of his employees, who take responsibility for what they do and it would be great to see that kind of endeavor developed here. He continued by saying that they could all learn by it and his management style is unique, it works well for him from what he can see and he believes that they should support him as well as thinking that the answers to some of the concerns are right at their fingertips and they should give the Code Enforcement people the authority, if there are any infractions that take place, to act on them immediately then things won't drag on and get out of hand. He concluded by saying that they should treat things as they happen and then carry-on with it and he thinks the Town would be better off to have him and all of his employees among us.

Supervisor Flach stated that there were no other names on the sign-in sheet and then asked if anyone else wished to comment.

**Mr. Bill Tryon** stated that he lives at 141 Cedar Grove Road and he is not fully up and running completely on the subject but he has watched this in all the towns across our country where anything that can be done, will be done, to hinder any business that tries to

move forward in any way shape or form and it is about time that they start helping the businesses. He continued by saying that they have learned to live under this hysterical environmentalism and isn't it about time that they can live with just a little bit of parts per billion and in doing dredging the Mohawk River, 30 years down the road, the difference between dredge or not dredge is like two parts per billion and they are going to spend billions of dollars to do this. He added that anything that the Town Board, the Town of Coeymans, the State of New York or this Federal Government can do to support local business, with taking precautions because we don't want people poisoning everything we have, should be on their side and thank God there are people willing to put their money into this Town because they can go somewhere else. He continued by saying that when Southworth Machinery wanted to put their business in East Greenbush, the town residents got in an uproar and that multi-million dollar industry, which is global, is now in Clifton Park and those same residents felt bad that they lost that industry. He concluded by saying that we have to look to industry because we don't have anything else to fall back on and we have become a nation of self-centered, spoiled brats, who will not tolerate the littlest bit of inconvenience and for that reason we are going to go down and the Federal Government is going to collapse and at any time our economic system is about to roll over and why would we not try to fortify our local area with as much industry as they can.

Supervisor Flach asked if there were any further comments, hearing none he stated that they would be moving on the Regular Town Board Meeting in five minutes.

Mr. Travers from the audience stated that he believed the Public Hearing should be suspended until the next Public Hearing and not closed.

Supervisor Flach stated that there will be another Public Hearing in June, that will be discussing at the Regular Town Board Meeting and it will be June 16<sup>th</sup>.

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## **CORRESPONDENCE**

Supervisor Flach gave Town Clerk Millious two letters that he received prior to the Public Hearing and asked that they be part of the record.

May 12, 2012

Supervisor Stephen D. Flach  
Building Inspector, Laverne H. Conrad  
Coeymans Town Board  
Coeymans Planning Board  
Coeymans Zoning Board of Appeals

I am writing today regarding the Coeymans Recycling Center. It has come to my attention that there is a question in the Town as to what the existence of this facility should encompass. It appears to me, as a life-long resident of the Town of Coeymans, that changes brought to our community by the Port of Coeymans and now the new Recycling Center, are both needed and important for the stability of our Town.

I've observed over the last ten years the development and care taken by everyone involved with the restoration of the old and abandoned brick yard that my father and unless had worked at their whole lives. I have greatly enjoyed watching that area come back to life. I have met Carver Laraway and spoken with him about the future of our Town and find him to be very forthright.

I know in the Port, along with his partner, Mr. Weis, they have invested 25 million dollars and have brought multiple companies into our area for manufacturing and new business. I remember seeing the beautiful bridges being built and shipped down the river and I am always fascinated at how it has grown and been so neatly maintained.

Now, I understand he is doing the same type of restoration to the old “Tricky” property that has been deteriorating for years. I believe he will take the same care in this project and feel as a Town we must support this endeavor 100%. I know this to be a Recycling Center and NOT a garbage dump. He intends to recycle metals, plastics, cardboards, electronics, appliances, cars and car parts. Additionally, I know this has a lot to offer and when someone is willing to invest time and money into our community, we need to be open minded and forward thinking in order for growth and not stagnation.

I think that this is an excellent opportunity for our community in that it has already brought more jobs and a greater tax base for the Town of Coeymans. As both of these businesses grow, I for one am hoping it will reduce the individual taxpayer’s obligation, as jobs and lower taxes are a benefit to us all.

Please consider this letter my support for the Recycling Center and know there are many others like me, who have lived their whole lives and want to see our community grow and prosper once again. I am proud to see Coeymans come back to life and hope you as Board Members feel the same.

Thank you.

Anne M. McHugh

May 13, 2012

Supervisor, Stephen D. Flach  
Councilmember Thomas A. Boehm  
Councilmember Peter E. Masti  
Councilwoman Dawn Rogers  
Councilman Thomas E. Dolan

Dear Supervisor Flach and Members of the Coeymans Town Board,

We are writing in advance of the May 14<sup>th</sup> Public Hearing on the amendment of Local Law 138, to express our opposition to the proposed change. We ask that this letter be entered into the record of the Public Hearing on this action.

As elected Municipal Officials, you have accepted a fiduciary and moral responsibility to uphold the laws of the nation, state and most relevant, this community. Laws by definition are promulgated to provide for the common good and protection of the public in general. Laws are not and never have been established for the benefit of a single person or corporation. This is unequivocal.

The lessening of Local Law 138 was established for the general protection of the citizens of Coeymans from future large-scale commercial solid waste operations. This law, for the past 20 years has been a bedrock principal in this community. It has proven in its present form to be an important mechanism for the long-term protection of the Town of Coeymans from outside entities that seek to utilize this town for the purposes that are decidedly not in the best interest of our citizens.

As with all discretionary governmental actions, the decisions on how to proceed must always be tipped in favor of the best interest of the community and its citizens who have elected you to act on their behalf in the legislative process. No discretionary action can or should be decided on that which does not represent what is in the best interests of those you represent.

In this situation, the decision seems clear. If you vote to approve the diminution of Local Law 138, the following issues will be undisputable.

- You will have provided a specific and singular benefit to one individual corporation. The minimizing of this legislation will only benefit Carver Laraway and their subsidiary entities.

- You will establish a law that allows for the importation of unspecified waste materials. Based on the broad and non-specific definition found in DEC Law, the potential for this operation to evolve into a regional transfer center of unparallel size is a viable and real possibility. By Mr. Laraway's own admission, household refuse in a long range part of this project.
- Our community will be faced with the fact that the Port of Coeymans has the existing capacity and infrastructure to immediately import massive quantities of "recyclables". The current shipping system (deep water docking and slip) of the Port allows for the largest river-going vessels to both deliver and receive materials at unprecedented levels.
- The operation will exponentially increase large industrial-scale truck traffic into the heart of the Coeymans Landing neighborhood. The increase will have a direct, immediate and demonstrable affect on the access route through the Village of Ravena, along Church Street, at the intersection of NYS 143 & 144, and through the narrow access to the Recycling Center. Under Carver Laraway's existing C&D Permit with the NYS DEC, deliveries to the Port are restricted to the north gate only. This was put into place in the permit to help protect the immediate neighborhood from an increase in large truck traffic. Yet the newly posted signage would indicate that the south gate will be used if this new venture is authorized. This is in direct contradiction to assurances that were given with the C&D Permit was issued.
- The increased industrial scale truck traffic will have a direct and demonstrable impact on infrastructure in the community.
- The importation of unspecified "recycling" waste has the potential to pollute the Coeymans Creek, Hudson River and the surrounding areas with shards of paper, metal and other materials. A trip to Green Island and a look at the Freedman and Kelman Scrap Recycling Yards provides a graphic depiction of what this decision has the potential to produce.
- The industrial scale ambient noise associated with the existing Port operation will certainly increase as more materials are loaded and offloaded adjacent to the Coeymans Landing neighborhood.
- The establishment of a massive new "recycling" center of an unparalleled scale will provide no direct benefit to the people of Coeymans. As is evidenced by the current assessed value of the Port of Coeymans, the fixed real property is negligible in comparison to the large industrial scale machinery used to process (recycle) the massive quantities of debris currently entering the town. The monumental piles growing throughout the facility are evidence of the current scale of C&D operation yet the assessed value is negligible for the direct and indirect impact this operation imposes on the neighboring residential/recreational community. A new industrial scale "recycling" center will create more massive piles of processed solid waste imported from literally anywhere in the world. Currently ships flagged from around the world are docked at the port.

Unlike our community, seeking to establish new laws that would entice the development of new nanotechnology or other high paying technical and professional jobs, you are deciding on whether or not to change a bedrock law in our town for the benefit of (1) company. Unlike the word "nanotechnology" which can transform a community and a region overnight, the word "solid waste", no matter how pretty you try to make it, it is still heard as "garbage" by the world. Our town is at the edge of its ability to recover from economic disaster of the last four years. Our property values have diminished; home sales have plummeted along with resale values. The items above are real and demonstrable issues that you must consider as you do your due diligence on this matter.

In closing, you represent the people of the Town of Coeymans and not Mr. Laraway's best interest. You and you alone now control our future, which is what you were elected to do. A careful analysis of the benefits of this action can only demonstrate that this change is not in the best interests of the people of this town. A minimal number of low paying jobs, a minimal tax assessment increase are the only benefits. The negative impacts, even without looking at the ANSWERS issue, simply are too great to overcome. If Mr. Laraway is unhappy with the laws of the Town of Coeymans, then he may want to consider relocating to Altamont, Guilderland or Bethlehem, but we are doubtful any of these communities will be so willing to change their laws for his express benefit.

If you are truly weighing the best interests of the people of Coeymans against the interests of a single company, you have no choice but to vote to leave Local Law 138 intact. I truly hope that you will do the right thing for our community.

Sincerely,

John & Anna Marie Bonafide

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**ADJOURNMENT**

**MOTION**

Supervisor Flach asked for a motion to close the Public Hearing.

On motion of Councilman Dolan, seconded by Councilman Masti, the Public Hearing was adjourned.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 7:25pm

*Respectfully Submitted,*

**APPROVED -**

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*Diane L. Millious, Town Clerk*