

A Public Hearing was held Tuesday, October 11, 2011, at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT: James Youmans, Supervisor
Dawn Rogers, Councilwoman
Thomas A. Boehm, Councilman
Richard N. Touchette, Councilman
Thomas E. Dolan, Councilman

ALSO PRESENT: Diane L. Millious, Town Clerk

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

OPENING COMMENT

Supervisor Youmans asked that Town Clerk Millious read the Notice of Public Hearing, which was posted in the News Herald.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of Coeymans on October 11, 2011 at 6:00pm at Town Hall, 18 Russell Avenue on Proposed Local Law #1 of 2011 as follows:

**Town of Coeymans
Proposed Local Law No. 1 of 2011**

A LOCAL LAW RELATING TO SITE PLAN REVIEW AUTHORIZATION AND CRITERIA FOR APPROVAL.

A copy of the Proposed Law may be obtained at the Town Clerk’s Office during regular business hours.

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

PROPOSED LOCAL LAW # 1 OF 2011

Supervisor Youmans asked that Town Clerk Millious read Proposed Local Law #1-2011. Town Clerk Millious continued by reading the following:

**A LOCAL LAW RELATING TO SITE PLAN REVIEW AUTHORIZATION
AND CRITERIA FOR APPROVAL**

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

§136-1 Title.

This Chapter shall be known as “The Site Plan Review Law”.

§136-2 Statutory Authorization.

The Town of Coeymans Planning Board is hereby authorized pursuant to Town Law, §274-a, and the Municipal Home Rule Law, §10, to review and approve site plans as provided in this Chapter.

§136-3 Intent.

The site plan review procedures and requirements of this Local Law are intended to achieve the following:

- A. Achieve efficient use of the land.
- B. Protect natural, archaeological and historical resources.
- C. Provide a consistent and uniform method of review of certain proposed use(s) and development plans.
- D. Ascertain that any significant redevelopment complies with current standards.
- E. Review adverse impact on adjoining or nearby properties.
- F. Retain rural and natural resources with a clean and attractive environment as well as continued development of the economy of the town and the general welfare of its inhabitants.
- G. Conform to the Comprehensive Plan and Zoning requirements as amended of the Town of Coeymans.
- H. Create an accurate record of approved development.

§136-4 Projects Requiring Approval.

Projects requiring Site Plan Review and approval;

- A. The construction of any new structures, development of any new use(s), and all other building or development activities shall require site plan approval from the Town of Coeymans Planning Board prior to the issuance of any building permit.
- B. Site Plan Review shall also be required for the resumption of any use discontinued or not used for more than one (1) year, or for the expansion of any existing use.”
Expansion” shall include a floor space increase of twenty-five (25) percent or more within any (1)-year period, or the introduction of new materials or processes not previously associated with the existing use.
- C. All projects which require a Special Use Permit or Use Variance by Chapter 165 Zoning of the Town of Coeymans and amendments thereto.

§136-5 Projects Exempt from Site Plan Review.

- A. Any construction, moving, relocating or structurally altering a single-family dwelling or two-family dwellings. Also any incidental accessory structures thereto.
- B. Any construction, moving, relocating or structurally altering agricultural use only structures.

§136-6 Review Elements and Criteria.

In acting on any site plan application, the Planning Board, in addition to all other applicable laws, shall consider the following:

- A. Traffic patterns. (Ingress & Egress)
- B. Pedestrian safety and access.
- C. Parking and loading areas
- D. Screening and landscaping.
- E. Environmental air quality.
- F. Fire protection equipment.
- G. Drainage / Storm water runoff.
- H. Refuse disposal.
- I. Location and placement of signs.
- J. Location and dimension of buildings.
- K. Impact of the proposed use on adjacent land uses.

- L. Snow removal.
- M. Location design and all construction materials of all utilities, energy and communications distribution facilities including gas, solar, wind energy, telephone, cable, water and sewer.
- N. Impact of the proposed use on both on-site and off-site infrastructure.
- O. Effects of smoke, noise, glare, vibration, odors and/or other noxious and offensive conditions if any.
- P. Effects on historical properties listed on the National, State, Historical registers if any.
- Q. Effects of other cultural, archaeological and historical resources of the Town if any.

§136-7 Conceptual Site Plan.

- A. An applicant may request a meeting with the Planning Board for the purpose of review and discussion, the proposed preliminary site plans for the purpose of determining the feasibility of the project. The request shall be put on the agenda of a regularly scheduled meeting upon proper application and payment of the established fee.
- B. Conceptual site plan submissions shall present a flexible design concept that may be readily changed by the Planning Board and shall contain adequate information as required for site plan review to assist the Planning Board in determining the feasibility of the project. The Planning Board shall indicate its general acceptance of the proposed layout of buildings, roads, driveways, parking areas, other facilities, and have the general character of the proposed development.
- C. Conceptual site plan submissions are likely to contain less detailed information than a final site plan submission, after review of the plan, there may be different results to consider. All review of conceptual site plans is tentative and subject to reconsideration upon submission and review of additional details provided in a final site plan.

§136-8 Site Plan Requirements.

The requirements for a final site plan review and approval shall include, but not be limited, to the following:

- A. Submission of a site plan application forms with payment of the required fee as established by the Town Board.
- B. The site plan may require a plan drawn by a design professional if required by Planning Board. The scale shall be based of not more than fifty feet to the inch and shall be on an 11"x 17" sheet.
- C. The checklist provided with the Site Plan Review application shall be reviewed and then submitted to the Planning Board by the applicant along with the completion agreement.
- D. All Site Plans shall conform to the Town's Zoning Chapter 165 and amendments thereto.
- E. Applicant shall complete the project within 180 days of approval. Applicant may request one 90-day extension.

§136-9 Submittal of Incomplete Site Plans.

Submittals of site plans that do not contain the required information as set forth in this Chapter or otherwise required are not considered complete and therefore not subject to review deadlines. Failure of the Planning Board to provide a decision in accordance with the time frames does not constitute approval or conveyance of a vested right for said development. The Planning Board shall notify the applicant of the incomplete status of the application upon review.

§136-10 Site Plan Approval Process.

- A. Except those applications for which the Planning Board has waived site plan review, the Planning Board shall issue a notice of completed application to the Applicant upon determining the site plan to be complete.
- B. Within sixty-two (62) days of a complete application, the Planning Board shall schedule a public hearing and provide public notice of the hearing in the official newspaper at least five (5) days prior to the date set for the public hearing.

C. The Planning Board shall make a determination for final site plan approval within sixty-two (62) days of the closing of the public hearing. The Planning Board shall a render a decision or they may mutually extend the time frame by consent of the applicant and the Planning Board.

D. The decision of the Board shall be filed in the office of the Town Clerk within five (5) business days of the date such decision is rendered and a copy thereof shall be mailed to the applicant.

§136-11 Amendments to Site Plans.

A. Any amendment of a final site plan previously approved by the Planning Board shall be subject to the same approval procedure as provided by this Chapter.

B. The Planning Board may waive any of the procedural steps to the extent it deems appropriate for an application provided. The amended site plan shall be formally submitted to amend and receives formal approval thereof, and the application to amend is submitted within two years of the date of the original approval.

§136-12 Appeals.

The Town of Coeymans Planning Board shall bear sole and final authority in its decisions pursuant to this chapter. Decisions of the Planning Board shall be subject only to judicial review in the manner prescribed by law.

§136-13 Severability.

If any provisions of this Chapter are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Chapter shall remain in effect.

§136-14 Repealer; Conflicts with Other Provisions of Local Laws or Ordinances.

In the event that any provisions of any other Town of Coeymans local law, ordinance, or regulation are in conflict with the provisions of this Chapter, those provisions only are hereby repealed.

§136-15 Penalties for Offenses.

A. Any person or persons, associations or corporations committing an offense against this Chapter or any section or provision thereof is guilty of a violation and shall, upon conviction thereof, be subject to a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both.

B. In the event of a continuing offense of any section or provision of this Chapter, each day that such offense shall continue shall be a separate violation and subject to a separate fine, imprisonment or combination thereof.

C. Notwithstanding a conviction for any offense against any provision or section hereof, an association or corporation convicted shall be subject to revocation of any permit therein granted without reimbursement of fees paid thereof.

D. In lieu of or in addition to any fine or imprisonment, or both, imposed for a conviction of an offense of this Chapter, each such offense may be subject to a civil penalty not to exceed \$250 to be recovered in an action or proceeding in a court of competent jurisdiction. Each day an offense continues shall be subject to a separate civil penalty.

E. The Town Attorney may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with this Chapter, notwithstanding the provisions of Subsections A, B and C of this section, for a penalty or other punishment.

§136-16 Effective Date.

This local law shall take effect twenty days after it is filed as provided in section twenty-seven of the Municipal Home Rule Law.

SUPERVISOR'S COMMENT

Supervisor Youmans stated that the first and most important thing that he would like to say about the Proposed Local Law is that the purpose of the Public Hearing is to hear the public's comments. He added that he wanted to assure everyone that no action will be taken at this time and the purpose of the public hearing is for the Board to hear what the public has to say about the proposed law and in turn take some time to consider what they hear. He continued by saying that the reason for the Proposed Local Law is that it was brought up some time ago by some within Town Government that perhaps the Planning Board did not have the absolute authority to go through Site Plan Reviews with people and added that Ms. Kunz, Vice Chair of the Planning Board was present and then asked if she wanted to speak to it at all.

Ms. Cynthia Kunz stated that she will be a listener to see what people say and added that she thinks that it is a very important issue because it brings up the future of the Town and things have to be legal and even the authorization of the Planning Board is suspect and they have to do that and they have to have Site Plans.

Supervisor Youmans stated that what transpires is that some members of the Planning Board were of the belief that the Site Plan Review process might not be an airtight process and they might not have absolute authority in the law. He added that through talks with Attorney for the Town Wukitsch, he has indicated that in absence of that law written into the Code of Coeymans, they follow State Law, which he believes would give them those authorities but this Proposed Local Law would shore it up a bit. He reiterated that the purpose is to hear the public's comment and anyone wishing to comment should sign the sign-in sheet.

PUBLIC COMMENT

Supervisor Youmans invited the public to comment at this time.

Mr. Carver Laraway stated that he is from P&M Brick at the Port of Coeymans and added that in the times that they are in now with the recessions and everything else he understands that it is important to have the character and continue the character but on industrial locations where they have been exempt for so many years it is difficult for them to try to lure business and try to get business into the community and then be held to a 6-12 month approval process on every thing that they do, which he finds to be very difficult. He continued by saying that on the census the Town of Coeymans has lost 9% since 2000 and in looking at tax base they try their best to lure people into the Town and one of the reasons to come to Coeymans is that they want their business, revenue and people to live in this community and the way to do that is to make it easy on people to come here and that is what he is promoting. He added that in an industrial location there are guidelines and rules that are allowed and if they go outside of that, his feeling is that they should come to the Planning Board and get a Special Use Permit for that particular thing. He went on by saying that it is important in this community on Rte. 9W for store fronts and there needs to be reviews because they don't want to change the character too much but they should work with people on it and reiterated that there is a tax base problem and they have seen it because some of the people working at the Port are living in the community. He added that they are trying to get business in this community and being held to anything is going to be difficult at best and he agrees with rules and regulations, which they have but they need to take the industrial and promote it as much as possible because along with industry comes people and they are trying their best to do whatever they can at the Port and the adjoining properties to assist them to get the population back and to get a good community. He continued by saying that if the Site Plan goes into effect it has to go to the County and there is a 30-60 day review and the approval process will be dragged out between 6-12 months and the nice part about the Port is that soon after they submit a Building Permit they are up and running and reiterated that industrial needs to be separate because they are in an Industrial Park with rules and regulations to follow, which they do. He reiterated that labor comes along with

it and the more they grow, the more people come with it and with more people are more taxes by using the local amenities and this is what they would like to do.

Supervisor Youmans inquired as to if he understands that he would like industrial uses exempted along with single-family, two-family and agriculture uses.

Mr. Laraway stated that he thinks that it needs to be refined and he believes that they are on the right track but it needs the input of the communities and more Workshops to work it out. He added that he is not saying that he believes that industrial should have no regulations, but what he is saying is that if they are an approved site for heavy industrial, then they need to have the community and the Town work with them to grow these projects in the outlying areas and they follow the same program like with storm water and he thinks that everything is important.

Supervisor Youmans thanked Mr. Laraway and then asked if anyone else wished to comment.

Ms. Ann Marie Vadney stated that since State Law is typically followed she wanted to know what section of the Proposed Law is like the State Law and added that the reason she is asking is because often times they get very redundant and if there is already something in existence that is being followed, why would they need a municipality or a Local Law with the specificity that is in the State Law. She continued by saying that she believes that the time frames are not encouraging business and in looking around the Town within the last ten years, everywhere you look the businesses are gone and with small businesses they have to jump over hoops with the timeframes and most of the information that is being requested again for commercial/industrial areas is already in the file and unless there are major or dramatic changes she does not think that people should have to go through it all again. She went on by saying that she has had personal experience and her project was delayed 8-9 months and they lost a lot of money that they don't have and in trying to make ends meet in this town it is pretty difficult because they have an appraisal telling them that they should be getting \$35.00 a square foot and they are actually getting .35 - .50 a square foot, which is wrong and taxes are assessed on the Assessors estimate based on those appraisals and all of their profits go to pay the Town taxes. She added that some of the wording makes her nervous in working and in having business in the town and people want to know exactly what they are talking about and there are times when a Site Plan is approved very quickly then another person comes in with the same kind of plan and proposal and are told that they need this, that and the other thing. She continued by saying that there needs to be consistency and they should start making the people in town feel good about being here in wanting to open businesses and get more people moving back into this area, let alone people on the outside who laugh about the Town of Coeymans. She went on by saying that she finds the penalty part offensive and continued by asking how they are going to encourage people to come into the town when they are talking about putting someone in jail and added that if someone is not compliant it means that Public Officials are not explaining what the proper requirements are and she does not believe that there is one business person in the room that is blatantly trying to break the law and reiterated that if something is wrong, then someone has to explain it properly and to make people available to explain it and what the options are. She continued by saying that you only find out about it when you get a notice and then a fine, which is not how you encourage business and reiterated that the penalties should be reconsidered and added that as far as the effective date, she is glad to hear that it will not be approved immediately because she believes that many people have concerns and many people that wanted to be present were not there.

Supervisor Youmans thanked Ms. Vadney and continued by asking if anyone else wished to comment.

Ms. Barbara Kunz stated that she agrees with what Ms. Vadney had to say and continued by asking how many people received the notice or was aware of what is in the Proposed Local Law and whether or not they got notice out to people.

Supervisor Youmans stated that it was done the same way that they always do and it was published in the official newspaper in the prescribed fashion in the prescribed amount of time between the publication and the Public Hearing as well as posting it on the website.

Ms. Kunz stated that some people don't get the paper and not everyone has a computer.

Supervisor Youmans stated that he supposed that they could have gone door to door.

Ms. Kunz inquired about a mailing.

Supervisor Youmans stated that he would suspect that it would have been very costly to do a mailing.

Ms. Kunz stated that something as important as this should have gone to every family in the Town of Coeymans.

Supervisor Youmans stated that it is the way that every other Local Law has ever been proposed and discussed and added that he does not see it as any more important than other laws and he does not believe that anyone on the Board saw a need to stray from the prescribed method.

Ms. Kunz interjected that this would have a big impact on the community and she thinks that more people should have had the opportunity to be informed.

Councilman Boehm stated that there is a full room and a lot of people did know about it.

Ms. Vadney stated that obviously there is an issue and added that just because it was done that way in the past does not mean that it is right. She continued by saying that many of the people are there because they have been talking to other people and they are tired of having things passed that have impacted them in a negative manner. She added that maybe the intent has not been negative but it ends up being negative and they did not find out about it from the newspaper or the computer, which means that it is not working very well from her perspective. She continued by saying that there has to be some alternative methods so that people of this community know about it and there are other mechanisms out there and it is important that they are utilized so people are aware because there are people out there that are out of touch with what is going on. She concluded by saying that they are a group of business people and people interested in building the community up who have talked to each other a great deal and they are there to support whomever is in office but they need for it to be reciprocal.

Councilman Dolan interjected that they also talked about it at Town Board Meetings, which are televised and reiterated that as Superman Youmans had indicated they do not plan on rushing it through and the purpose of the Hearing is to get public comment and from those not present, they will be more than happy to hear them and for those present if they want to comment additionally or provide additional documentation, they will be happy to look at it.

Supervisor Youmans stated that the purpose of the Hearing is to hear the public's concerns and there will be a period of time before they would even vote on it and if anyone knows of someone that wanted to attend but could not make it, they should contact a Board Member and added that they would be eager to hear other comments from anyone that could not make it to the Public Hearing. He then asked if anyone else wished to comment.

Mr. Gary Bogardus stated that approximately two years ago they went through the same scenario, same law basically and everyone decided that it was a bad idea then, including the Town Board but now he guesses that they think it is a good idea. He continued by asking what has changed between then and now that would change things all around and added that he thought it was a bad idea then and he still thinks that it is a bad idea and he thinks that there are enough laws, rules and regulations in this town and they don't need any more. He added by saying that they almost used up the alphabet on the review elements criteria and they are down to the letter Q and they need to realize what hoops

they put people through with that page of nonsense and many of the items are already covered by State Law or other laws and don't even have to be addressed. He continued by saying that 25% or more of floor space within one year will require another A-Q hassle or if you change your process or materials, like Carver, he has to go back in for the A-Q review. He concluded by saying that this won't get business in the Town and it is already too expensive and up and down the road gas is 5-10 cents cheaper than this town and with three stations he would assume that there would be competition but to cover their expenses they have to have their prices higher and more rules and regulations isn't going to grow the Town.

Supervisor Youmans thanked Mr. Bogardus and then asked if anyone else wished to comment.

Ms. Donna Pasquini stated that she picked up the Proposed Local Law and read them and prior to that she was told that it was on the website, which is was, but not being a person that has worked with computers her whole life like probably some other people, it took a while to figure it out and when they were posted on the website they were posted sideways. She continued by asking how you are suppose to straighten them out to read them if you are not familiar with computers and added that she wishes if they are going to use the internet that they make it more simple for people to understand.

Supervisor Youmans stated that he didn't realize it was like that and added that in addition the Town Clerk could provide copies. He continued by asking if anyone else wished to comment.

Ms. Barbara Tanner stated that she had a question regarding any construction, moving, relocating or structurally altering and continued by asking if it is inside and out.

Supervisor Youmans stated that he does not believe that it would apply to inside at all and added that construction, moving, relocating or structurally altering a single or two-family dwelling are things that are not included in the law.

Ms. Tanner continued by saying that the law proposes that they would have to be drawn on an 11X17 sheet and added that it would be small because blueprints are on bigger sheets.

Supervisor Youmans stated that the Building Inspector Conrad was present and asked that he speak to it.

Building Inspector Conrad stated that he was going to speak as soon as all of the comments are made to clarify a few of the points.

Ms. Tanner inquired as to if after the plans have been submitted and they get the 90 day extension and still don't do it, would they have to start from ground level again or not be permitted.

Supervisor Youmans stated that he does not think that there is anything that would say that they can't come back again and it appears that they would pay another application fee.

Ms. Tanner stated that she lived in Ravena and then moved to New Baltimore and the one thing that she liked about down there was when they were trying to put a dump down there and the people didn't like it and as soon as it was turned down by the Board, they immediately made a law that no dump would be allowed there. She concluded by saying that we do need some kind of law to take care of this.

Mr. George Landgon stated that approximately 10 years ago he and his wife started a business in Town and he went through all of this so it seems to him that they already have the laws in place to accommodate making sure that they went to their neighbors and made sure that it was going to comply and not hinder their lifestyle and they put together a Site Plan, which was better than 10 years ago. He reiterated that he is curious as to why there is a need to have something added when it was in place a decade or more ago.

Supervisor Youmans stated that the answer is that it has been said that if you challenged the Town's authority to make you go through Site Plan Review you may have had a viable argument and this is something that the Planning Board wanted them to do to solidify and make a part of the Code of the Town of Coeymans because currently it isn't.

Mr. Langdon stated that he was told at the time that it was in the Code and his wife was told that she was running an illegal business at the Hearing because she was not complying with the Code and they accused her of running an illegal business and now they are saying that it never existed.

Supervisor Youmans stated that this is Site Plan Review.

Mr. Langdon stated that this is what they did and they went through the process and once they knew what they were supposed to do they did it. He continued by saying that they are business owners and it appears that most of the people in the room are as well and the idea is that they want to help grow but when people are looking for someplace to do business, this kind of activity will make them not come here, which will not improve the situation. He concluded by saying that Main Street looks like a Ghost Town, which it didn't look like 25 years ago when he moved to this town and they should consider what type of message they are sending out to prospective investors, business owners and the residential people that live here.

Supervisor Youmans thanked Mr. Langdon and then asked if there were any other comments.

Mr. John Vadney stated that he has been investing for over 30 years in different areas and added that in 2008 he invested in Coeymans and since then he was able to get an apartment rented. He continued by saying that many of the investors that he works with are afraid of this town and the reputation because it does not seem as though it is open for the business person and when you are a mall business owner, the time restraints that you have, many of them cannot afford. He went on by saying that maybe in different circumstances they would attract more business and they would not have the problem of Main Street looking like a Ghost Town, which is only his opinion and as Mr. Bogardus said, two years ago they looked at this and it did not go through and if it goes through this time they will be sending up red flags to other business people who would like to come here to invest and that they should not come down here because of all the restrictions.

Supervisor Youmans thanked Mr. Vadney and continued by saying that something that needs to be clear is that the proposal is not reinventing the wheel but rather putting in the Code for the last 30 or so years and it is not as though this is all new. He added that in talking about two years ago, he was around two years ago and that was all about a complete rezoning, which they decided not to do and his recollection is that Site Plan Review was not part of what they worked on back then.

Councilman Touchette stated that two years ago the Planning Board first proposed a Site Plan Review Law and there was a Public Hearing and ultimately the Town Board did not adopt the law.

Supervisor Youmans stated that he stands corrected.

Councilman Touchette stated that the Planning Board made some revisions and brought it back to the Town Board and there are some similarities but it is a new law.

Supervisor Youmans reiterated that he stands corrected and added that it was not his recollection and ultimately that may be what happens again and it is something that they are looking at. He continued by asking if there were any other comments.

Mr. Rodney Krzykowski stated that they keep going back two years ago and added that he can go back 30 years ago and it still keeps coming up and they say that they are going to streamline it but it keeps getting worse instead of better and he has brought it up several times and they said they were going to work with him but that hasn't happened. He added that about a year ago a group of them came to Town Hall and sat and reviewed

the Zoning Laws, which was a lot of time and effort and they promised something would be done but what they did was they made it disappear and no one even knows where it is anymore, which is not being helpful.

Supervisor Youmans thanked Mr. Krzykowski and then asked if there were any additional comments.

Ms. Sarah Hafensteiner stated that she is probably speaking with great peril based on some of the other comments and added that she has also lived here for a long time and 35 years is far more than half of her life and it's no longer nor has it been in a long time a very vibrant town. She added that she had not taken the time to research this particular set of rules and set them up against Catskill, Coxsackie, Bethlehem, Voorheesville or some of the others towns but in the work that she has done independently, these are not unusual rules and regulation. She continued by saying that if the timeframes are way off from other towns around them, they have to take a look at that because they should not be making roadblocks and they should be comparing them and went on by saying that what makes the Town of Coeymans different is that New Baltimore has new business, Coxsackie has new business. She added that the Town of Coeymans owns great property and a lot of it such as Rte. 144 right on the river, Rte. 9W and thruway access, which are all the right ingredients along with an amazing number of people in this town that care about it and yet it does look like a Ghost Town. She continued by saying that she likes the idea of looking at what kind of general rules and regulations they should have, to have Site Plan Review and to talk about a Comprehensive Plan to bring this community to the present day so that they might thrive with new businesses the way all of the other towns are doing. She went on by saying that some of the businesses that have built in New Baltimore and Coxsackie thought about coming here and it was not the Town's laws that kept them out of here, it was because they have a process that is clear, direct, properly adopted and they followed regulations and everyone is getting the business and tax dollars except the Town of Coeymans. She continued by saying that industry is great and she hears great things about the Port of Coeymans but not all industry brings jobs and the dump, which is a topic of conversation isn't going to bring residents to this Town and it will take over 350 acres and make the town a place that you won't want to come to and reiterated that not all industry, not all businesses provide jobs, but most industry and most businesses have an impact on the traffic, infrastructure, storm water management, etc., which is listed in the Proposed Law. She continued by saying that communication is key and all they are using is the News Herald, which is no longer a local business and they are in Hudson publishing 8-9 different news papers and reiterated that it is not a local paper and not the majority paper that everyone receives anymore and added that it was but isn't anymore and it is a great place to stick your Legal Notices because it does not have to be published in the town that you are setting up your business, which helps pay for the paper. She went on by saying that they have to do a better job with communication, whether it is a newsletter, e-mails, flyers or posters because they are not getting to people and there are a lot of business people who are key but there are also a lot of people who live here, other than those lost in the census. She concluded by saying that they have to look really hard and make sure that their laws are adopted and on the books, they need to have a Comprehensive Plan and they need for those who think that they don't need to have rules or laws, to look at every other community who have grown and thrived and see if they are trying to do anything different and figure out what the other towns are doing to get the tax dollars and residents because they are not coming to the Town of Coeymans and they need to figure it out because doing nothing certainly has not worked for the past 25 years for any of the businesses, taxpayers or the community and they need to move forward and get out of the 1960's.

Supervisor Youmans thanked Ms. Hafensteiner and then asked if there were any other comments.

Mr. Carver Laraway stated that he wanted to say that the Town Board has worked with him and the community to try to develop and he agrees that they need rules and regulations and he will have his Attorney draw up her concerns so that they work together to develop it. He reiterated that he does not disagree that they need rules and regulations but they don't need new rules and they should refine what they have and fix whatever problems there may be rather than trying to develop, adopt and push something

down people's throats that they don't understand. He concluded by saying that by working together they could develop it.

Ms. Anne Marie Vadney stated that she wanted to add that just because everyone is jumping off a bridge does not mean that they have to and she thinks that there has to be some guidelines but in talking with many business people she has found that they have to jump through hoops and added that it is all a direct result of the Town's Government who is overseeing what is going on in this area. She continued by saying that people have to start listening to those in the town that live in this town and run businesses and she knows that they are focused on bringing people back into the Town but they are not going to get people coming back into the Town if they look at the town and there is nothing going on here. She went on by saying that she rents to U-Haul and to people running self-storage units and there are people coming from downtown Schenectady because it is the lowest price as well as people buying houses because the price is so low and this should not be how we are drawing people to this town. She concluded by saying that she believes that they could have guideline and rules that are very positive and enhance people's thoughts in what they want to do rather than turn them off and they can be written in a manner and specific so people can have a clear understanding of what they are talking about and what your expectations are and this is the only way that they will get this town moving again.

Supervisor Youmans thanked Ms. Vadney and then invited Code Enforcement Officer / Building Inspector Conrad to speak.

Code Enforcement Officer Conrad stated that he wanted to clarify some things that were said and added that George Langdon had spoken earlier and he and his wife came in for a Special Use Permit rather than a Site Plan Review and this law stands on the books currently. He continued by saying that he wanted to speak about the law itself and added that they are not questioning the viability of the law, it is what it is and they do have Site Plan Approval but unfortunately the Legislature didn't give the authority to have the teeth of the law until 1976 under Section 274. He added that basically up to that point in time, everything that has to do with Site Plan Review, which the Planning Board has the authority to do right now and has been doing for years, is advisory, which is the difference and in order to enforce it they had to have some other way to penalize and take care of the problem. He went on by saying that a few weeks back the Town Board heard equally as many who came in from the Village, within the Town, as well as attending a Planning Board Meeting on two separate occasions and they hammered the Planning Board over not allowing a business to come into the town and in turn attended a Town Board Meeting and then hammered the Board members individually with phone calls. He added that he does not see all of those people now and the Village concurrently, once they found out they had a problem, adopted a new law, which is 11 pages and this law is 6 and the fact of the matter is that Mr. Laraway is right and the one thing that was previously exempt under the Site Plan approval process was that industrial uses did not have to do anything and it was an argument for some on the Planning Board who thought they should be reviewed as well, maybe in a different manner. He continued by saying that as far as the 11X17 size, they can be copied in Town Hall without having them sent out to make maps and they were trying to accommodate those that want copies and it was to standardize the paperwork process so it didn't cost a fortune to reproduce. He went on by saying that as far as it being turned down a year or so ago, it was turned down basically because the Planning Board forgot to exempt agricultural use, which has been put in it and it was not the whole law that was trashed and it was because the Planning Board inadvertently missed agricultural uses and there is a possibility that industrial uses could be exempt and still proceed. He continued by saying that it basically pertains to the commercial corridor and they are trying to clean it up and when the Marshall's building started to become an issue, it was basically an advisory opinion and all they could do was to say what they would like for them to do and in turn nothing was done and now the cars sit there with flat tires. He added that when people came and hammered the Board about it, they in turn came to him and he advised that he cannot do a thing about it until he has a law to work with and he is only trying to enforce the rules and based on some in the audience that were complaining about not having such rules. He went on by saying that it is confusing as far as if they want rules or don't want to have rules and added that there has to be a happy medium somewhere and the Planning Board is not trying to stymie anybody. He continued by saying that currently under the Site Plan Review Law that they

now have, anything within 500 feet of a State or County Highway has to go to Albany County Planning Board and they have to be given 30 days as well as Special Use Permits and Variances, which are State Laws. He went on by saying that the reason the Town has to have this is because Section 274 authorizes the towns to adopt these laws and they do not say that you can enforce them automatically but says that you can adopt them and set up guidelines and added that the point is that they are just guidelines to look at and not necessarily a stumbling block. He added that Mr. Laraway has come in on a couple of occasions and has been in front of the Zoning Board and they made a decision and it was all worked out within a couple months. He continued by saying that he is not saying that the process is quick and added that if they want something enforced they have to have the teeth to do it and as far as violations, they are standard violations that have been with any Local Law that has been adopted and they can be made to be less but the bottom line is that there needs to be some kind of fine, which will be up to the court to decide and 9 times out of 10 if they comply with the rules there is no fine. He concluded by saying that it is work in progress and the Planning Board works on it at their open public meetings and reiterated that it is not a new law and it has not been modified much since 2009.

Supervisor Youmans thanked Building Inspector / CEO Conrad.

CLOSING COMMENTS

Supervisor Youmans stated that he has heard in the comments that there is a desire for a balance, and he gets that and added that he wants to make it clear that there is no one on the Town Board who wants anything more than to encourage business in this Town and no one is looking to impede business because it is their lifeline. He continued by thanking everyone who spoke and continued by saying that they will take the comments to heart and consider them thoroughly and if any one knows somebody that wanted to attend but could not, to have them reach out to the Board by a phone call or letter and they would love to hear their concerns as well.

Mr. Joseph Scalzo inquired as to if there would be any change for a follow-up meeting for those that could not be at the Public Hearing.

Supervisor Youmans stated that there is always a chance and added that it is also his understanding and belief that should they alter it, it will require another Public Hearing because it is not the same law once it is altered. He then thanked everyone for their participation and added that he would move to close the Public Hearing.

ADJOURNMENT

Supervisor Youmans offered a motion to adjourn the meeting.

MOTION

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 7:00pm

Respectfully Submitted,

APPROVED:

Diane L. Millious, Town Clerk