

**A Public Hearing was held Tuesday, October 11, 2011, at 6:30pm 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

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

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**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 6:30pm at Town Hall, 18 Russell Avenue on Proposed Local Law #2 of 2011 as follows:

**Town of Coeymans  
Proposed Local Law #2 of 2011**

**A LOCAL LAW ESTABLISHING THE POWERS AND DUTIES OF THE TOWN PLANNING BOARD AND PROVIDING FOR APPOINTMENT OF ALTERNATE MEMBERS OF SAID BOARD.**

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**

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**PROPOSED LOCAL LAW # 2 OF 2011**

Supervisor Youmans asked that Town Clerk Millious read Proposed Local Law #2-2011. Town Clerk Millious continued by reading the following:

**PROPOSED LOCAL LAW # 2 OF 2011**

**A LOCAL LAW ESTABLISHING THE POWERS AND DUTIES  
OF THE TOWN PLANNING BOARD AND PROVIDING FOR  
APPOINTMENT OF ALTERNATE MEMBERS TO SAID BOARD**

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

**§34-1. Title.**

This Chapter shall be known as “The Powers and Duties of The Planning Board”

**§34-2. Statutory Authorization.**

This local law is hereby adopted pursuant to the provisions of Section 10 of the New York State Municipal Home Rule Law and §271 through §281 inclusive of Town Law.

**§34-3. Intent.**

The purpose of this Local Law is to revise and replace Chapter 34, which deals with the powers and duties of the Planning Board, and to provide for the appointment of alternate members to said Board.

**§34-4. Definitions.**

A. “Planning Board” means the Planning Board of the Town of Coeymans established by the Town Board pursuant to the provisions of Town Law.

B. “Regular Member” means an individual appointed by the Town Board to serve on the Town Planning Board pursuant to the provisions of this Chapter.

C. “Alternate Member” means an individual appointed by the Town Board to serve on the Town Planning Board when a regular member is absent or unable to participate on an application or matter before the Planning Board as provided herein.

**§34-5. Continuation; Appointment; Terms.**

There shall be continued a Planning Board appointed by the Town Board, which Planning Board shall consist of one regular member to serve for one year, one regular member to serve for two years, one regular member to serve for three years, one regular member to serve for four years, one regular member to serve for five years, one regular member to serve for six years and one regular member to serve for seven years. Their successors shall be appointed for seven years.

**§34-6. Chairperson.**

The Town Board shall designate a regular member of said Planning Board to act as Chairperson thereof.

**§34-7. Experts and Staff.**

The Planning Board shall have the power and authority to employ experts and a staff and to pay for their services and such other expenses as may be necessary and proper, not exceeding the appropriations that may be made for the Planning Board by the Town Board.

**§34-8. Rules and Regulations.**

The Planning Board may adopt rules and regulations in respect to procedure before it and in respect to any subject matter over which it has jurisdiction under this Chapter or any statute subject to the approval of the Town Board.

**§34-9. Powers and Duties.**

**The Planning Board shall have and exercise the powers and duties as follows:**

A. To prepare and change a Comprehensive Plan for the development of the entire area of the Town of Coeymans outside of the limits of the Incorporated Village of Ravena and to make investigations and reports relating to the planning of the Town and its future growth and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population.

- B. To approve all plats showing any streets or highways within that part of the Town outside of the limits of the Incorporated Village of Ravena.
- C. To approve or disapprove changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps filed in the County Clerk's office.
- D. To approve or disapprove the laying out of, closing off or abandonment of such streets, highways or public areas under and subject to the provisions of the Town and Highway Laws.
- E. Simultaneously with the approval of any such plat, to confirm and make changes in the zoning regulations applicable to the land included in any such plat, in accordance with the provisions of §281 of the Town Law and amendments thereto.
- F. To exercise all other powers conferred upon it by the provisions of the Town Law and to pass upon all matters which may be referred to it from time to time by resolution of the Town Board, it shall conduct hearings and perform its duties in accordance with such procedure as provided in §272 through §281, inclusive of the Town Law.
- G. To approve or disapprove Special Use Permits pursuant to §274-b of Town Law and the Town of Coeymans Zoning Chapter 165 and amendments thereto.

**§34-10. Filing of Certificate with County Clerk.**

The Town Clerk of the Town of Coeymans shall file with the Clerk of the County of Albany a certificate certifying that the Planning Board of the Town of Coeymans has been authorized to approve plats showing new streets or highways in accordance with the provisions of §278, as amended, of the Town Law.

**§34-11. Process for Appointing Alternate Planning Board Member(s).**

- A. The Town Board of the Town of Coeymans establishes this process for appointing "alternate" members of the Planning Board. These individuals would serve when regular members are absent or unable to participate on an application or matter before the respective board.
- B. Alternate members of the Planning Board shall be appointed by the Town Board for a one-year term.
- C. The Chairperson of the Planning Board may designate an alternate member to substitute for a regular member for any application, matter, or period of time such member is absent or unable to participate on an application or matter before the board. When so designated, the alternate member shall possess all the powers of a regular member of the board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.
- D. Any discussion or determination of the Planning Board, which includes the vote of one or more alternate Planning Board members, shall have equal force and effect as determinations made solely by a vote of the regular members of said Planning Board.
- E. All provisions of state law relating to Planning Board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law/local ordinance relating to training, continuing education, compensation and attendance, shall apply to alternate Planning Board members.

**§34-12. 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.

**§34-13 Repealer.**

Chapter 34 of the Code of the Town of Coeymans is hereby repealed and replaced with this local law.

**§34-14. Effective Date.**

This local law shall take effect twenty days after it is filed as provided in Section 27 of Municipal Home Rule Law.

**PUBLIC COMMENT**

Supervisor Youmans invited the public to comment at this time.

**Ms. Sarah Hafensteiner** stated that at the very beginning it says “and providing for appointment of alternate members” and continued by asking if she can assume that most of what is in there is already part of the Code and this is primarily for alternate members to be added.

Supervisor Youmans stated that it an exact correct assumption.

Ms. Hafensteiner stated that most of it is not new and added that as a Zoning Board Member she wanted to speak to the issue of an alternate and the fact that the Planning Board is larger and many, many towns have alternates and she knows first hand that there is not a lot of money that goes to these people who serve on either Board. She continued by saying that most of the business people present have talked about having to wait and having it take longer than they had hoped and she completely respects their frustrations and added that if they had an alternate, such as the Town of New Scotland, that alternate comes to the meetings, is familiar with the Code that they have to go by and understands that if they have missed a meeting, they can step in as need be. She added that there is nothing more frustrating as a business person or an applicant than to have everything ready and find out that there is not a quorum and if there is not a quorum you cannot do anything and it is critical that they have to make sure as a Planning Board is always there to serve the people and there cannot be an attendance issue. She went on by saying that maybe 30-40 years ago they didn't have as often, people that might be out of town for work and it is very difficult if not impossible to find the laws that allow you to do anything remotely when it comes to Planning and Zoning Boards. She concluded by saying that she supports something like this because she believes it would facilitate and speed up the process for anybody that is an applicant before the Planning Board, so that they can do their business and get on with business and the Planning Board can do the same and added that she appreciates this coming forward.

Supervisor Youmans thanked Ms. Hafensteiner and added that it was well said. He continued by asking if anyone else wished to comment.

**Mr. Rob VanEtten** inquired as to how they plan on doing it and if they will be letting the Planning Board prepare and change the Comprehensive Plan.

Supervisor Youmans stated that he had the same question early on with this as well and it was a big red flag for him but what he has learned is that it is typical that a Planning Board would update and change Comprehensive Plans, which in turn would be subject to Town Board approval.

Mr. VanEtten stated that the Zoning is based on the Comprehensive Plan and he would question letting a Planning Board update and change it.

Supervisor Youmans reiterated that it is typical and it is subject to Town Board approval.

Mr. VanEtten interjected that it sounds like a lot of power for the Planning Board and it concerns him and added that he is aware that the Town Board has oversight on it and they would just be making suggestions.

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

**Ms. Anne Marie Vadney** stated that she was wondering what the Board's reasoning was for the alternates and if it was as Mrs. Hafensteiner had stated.

Supervisor Youmans stated that it was exactly as she stated.

Ms. Vadney stated that she has personally encountered the effect of not having a quorum but some of her concern while reading it is that conceptually it sounds great but if someone is coming in just when someone is absent, how would they be privy to the details that may have been discussed at a previous meeting and be able to properly make a decision on what is before them. She continued by saying that the Proposed Law states that they will be trained equally as well as the individuals who are on the Board and she wanted to bring up what the fiscal impact would be and how it would be addressed. She went on by saying that the biggest issue would be the consistency and there are already rules that if someone is taking commission on a Planning and Zoning Board, there are requirements for absenteeism and they are required to be in attendance at the meetings. She continued by saying that if in fact there is that criteria, will the Proposed Law assist them if someone cannot consistently attend meetings and if it is a consistent absence they should not be on the Board.

Councilwoman Rogers interjected that they addressed this issue a couple of years ago and there are a certain number of meetings that they must attend.

Ms. Vadney inquired as to if it is in effect and if so what is the requirement.

Councilwoman Rogers reiterated that it is in effect and added that it addresses the issue if there are three absences in a row.

Ms. Vadney stated that she is not sure whether or not they would need alternates if this were the case and then asked what happens if they miss three meetings.

Supervisor Youmans stated that in this particular case they have thought that Recording Secretary Linda Ziegler, who attends every meeting, would be an excellent alternate because she is there, she is up to speed and knows the details. He added that on both Planning and Zoning Boards it is extremely rare that they don't have a quorum but it would be frustrating for someone coming before that Board, to get here and find out that two to three people are out. He continued by saying that although it is rare, they are trying to plan for the eventuality and he understands her concern.

Ms. Vadney stated that her point is that although it is an unusual circumstance, she has personally had the experience of there not being a quorum for 2-3 different meetings on some of their projects. She continued by saying that her point is the consistency and fluency of what is going on and the fiscal impact on training and keeping someone up to par if they are only going to be sitting on one of the Boards at a meeting once every 6-12 months. She added that it is very important that people make a commitment that if they are going to be on the Board that they are present.

Supervisor Youmans stated that he understands her concerns and thanked her. He then asked if anyone else wished to comment.

**Ms. Donna Pasquini** stated that Mr. VanEtten had commented on the powers and duties of the Planning Board and Supervisor Youmans had indicated that it is subject to Town Board approval.

Supervisor Youmans stated that what he commented on was for the Planning Board to prepare and change the Comprehensive Plan for the development of the entire area of the Town of Coeymans outside of the limits of the Incorporated Village of Ravena and to make investigations and reports relating to the planning of the Town and added that the Town Board would ultimately be responsible for the Comprehensive Plan.

Ms. Pasquini inquired as to why it is not in the Law that the Town Board is going to be responsible.

Supervisor Youmans interjected that it was a good question and thanked Ms. Pasquini. He continued by asking if anyone else wished to comment.

**Mr. Rodney Krzykowski** inquired as to what the criteria is for selecting an alternate and how they will go about selecting one.

Supervisor Youmans stated that he would say that it will be basically the same way that Planning Board Members are selected.

Mr. Krzykowski inquired as to if an alternate, who is at a meeting, would be able to vote on something that they have a personal interest in.

Supervisor Youmans stated that no one with a personal interest should be involved.

Mr. Krzykowski interjected that he has been in that position several times over the years and it has been like going to a casino and a crap shoot and he gets faced with people that have personal agendas against him who are at the meeting and vote and when the next meeting comes around they are gone. He continued by saying that they are stacking the deck and do it all time and then asked if it is going to continue.

Supervisor Youmans stated that he has no specific knowledge of that.

Mr. Krzykowski stated that he will sit down with him and show him the paperwork.

Supervisor Youmans stated that he would be glad to sit with him anytime and then asked if anyone else wished to comment.

**Code Enforcement Officer/Building Inspector Conrad** stated that he wanted to clarify that an alternate has been a topic of conversation for many years now and it has been amended to Town Law to authorize alternates and specifically one of the things that Mr. Krzykowski is referring to is conflicts. He added that there have been several occasions where people have personal ties to people or neighbors as in Mr. Krzykowski case, where they have recused themselves or needed to recuse themselves and by doing it, it caused a lack of a quorum. He continued by saying that it is important that the alternate be an active member and he would definitely say that they need to be kept up to speed in one manner or another and this could be a requirement when the alternate is made aware of the position. He added that Ms. Ziegler was obviously the best choice for both Boards because she does the minutes and is well up to speed with what goes on and that was the ideal circumstance when it was suggested to the Board that she be that person and

reiterated that she sits there for every meeting and hears everything that is going on and some meetings go back and forth with the Planning Board making referrals to the Zoning Board and obviously she is aware of all of it. He concluded by saying that the primary thing was that there were conflicts rather than absenteeism in that case and he wanted to bring it up.

Supervisor Youmans thanked Code Enforcement Officer/Building Inspector Conrad and continued by asking if anyone else wished to comment, hearing none he offered a motion to adjourn the Public Hearing.

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**ADJOURNMENT**

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 7:22pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*