

A Public Hearing was held Monday, April 12, 2010, at 6:30pm at Town Hall, 18 Russell Avenue, Ravena, New York

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

ABSENT: Henry C. Traver, Supervisor

ALSO PRESENT: Diane L. Millious, Town Clerk
Greg Darlington, Chief of Police

Councilman Touchette opened the meeting and led the Pledge of Allegiance.

AUTHORIZE COUNCIL TO PRESIDE OVER MEETING

Councilman Touchette asked that Councilwoman Rogers move the resolution authorizing Council to preside over the Public Hearing.

RES. #44-10 AUTHORIZE COUNCIL TO PRESIDE OVER PUBLIC HEARING
On motion of Councilwoman Rogers, seconded by Councilman Boehm, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 – SO MOVED

WHEREAS, the Town Supervisor is unable to attend and preside over the Public Hearing scheduled for April 12, 2010, and

WHEREAS, Town Law, Section 63, authorizes the Town Board to designate a Town Board Member to preside over meetings in the absence of the Town Supervisor, and

WHEREAS, the Town of Coeymans does not have a Deputy Supervisor,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby designate Council Member Richard N. Touchette to preside over the Public Hearing of April 12, 2010.

Councilman Touchette asked that Town Clerk Millious read the Notice of Public Hearing.

Town Clerk Millious continued by reading the following:

**NOTICE
OF
PUBLIC HEARING
ON PROPOSED LOCAL LAW # 2 OF 2010**

A LOCAL LAW RELATING TO SITE PLAN REVIEW REQUIREMENTS

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Coeymans will hold a Public Hearing on April 12, 2010 beginning at 6:30pm at Coeymans Town Hall, 18 Russell Avenue, Ravena, NY concerning Proposed Local Law # 2 of 2010 as described above.

A copy of Proposed Local Law is on file in the Town Clerk's Office.

PLEASE TAKE FURTHER NOTICE that all interested parties will be heard at this time and place.

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

OPENING COMMENT

Councilman Touchette stated that by way of introduction, the Local Law was brought to the Town Board at the request of the Planning Board and added that they requested that it be placed on the agenda. He continued by saying that since the Proposed Local Law was read at the last meeting there have been some minor revisions, which were finalized and distributed to the Town Board approximately 10 days ago. He went on by saying that before reading the Proposed Law he wanted to go over those revisions so people know what changes were made as follows:

Section VI, Review Elements and Criteria, #16 – There was a typo that included the words in any – changed to read “Effects on historical properties listed on the National, State, or Albany County Historical Registers and other cultural, archaeological and historic resources of the Town.

Section VIII, Site Plan Requirements, #4 – changed to read “Applicant shall complete the project within 180 days of approval. Failure to do so will result in voiding the Site Plan approval. Applicant may apply for one 90 day extension”.

Section IX, Submittal of Incomplete Site Plans – changed to read “The Planning Board shall notify the applicant of the incomplete status of the application and the information needed to complete the application”.

Section XII, Appeals – changed to read “The Town of Coeymans Planning Board shall bear sole and final authority in its decisions pursuant to this Law. Decisions of the Planning Board shall be subject only to judicial review in the manner prescribed by law in a proceeding pursuant to CPLR Article 78”.

Councilman Touchette stated that what they plan to do, based on the recommendation of Attorney for the Town Wukitsch, is declare the Town Board as Lead Agency and complete the Environmental Assessment Form and if deemed appropriate they will declare a Negative Declaration and in turn forward the proposed action to the Albany County Planning Board.

PROPOSED LOCAL LAW #2-10

Councilman Touchette continued by reading the Proposed Local Law.

A LOCAL LAW RELATING TO SITE PLAN REVIEW REQUIREMENTS

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

SECTION I – TITLE

This Local Law shall be know as “**The Site Plan Review Law**”

SECTION II – INTENT

The site plan review procedures and requirements of the local law are intended to achieve the following:

1. Provide a consistent and uniform method of review of certain proposed development plans.
2. Ascertain that significant redevelopment complies with current standards.
3. Create an accurate record of approved development.
4. Achieve efficient use of the land.
5. Protect natural, archaeological and historical resources.
6. Review adverse impact on adjoining or nearby properties.
7. 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.
8. Conform the Zoning requirements of the Town of Coeymans.

SECTION III – STATUTORY AUTHORIZATION

The Town of Coeymans Planning Board is hereby authorized pursuant to Town Law, Section 274-A, and the Municipal Home Rule Law Section 10, to review and approve site development plans.

SECTION IV – APPLICABILITY

1. 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 any existing use. “Expansion” shall include a floor space increase of twenty-five (25) percent or more within any ten (10) year period, or the introduction of new material or processes not previously associated with the existing use.

SECTION V – DEVELOPMENTS NOT REQUIRING SITE PLAN APPROVAL

Construction, moving, relocating or structurally altering a single-family dwelling or two-family dwelling, including any customarily incidental accessory structure.

SECTION VI – REVIEW ELEMENTS AND CRITERIA

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

1. Traffic access roads. (Ingress & Egress)
2. Pedestrian safety and access.
3. Circulation and parking.
4. Screening and landscaping.
5. Environmental quality.
6. Fire protection.
7. Drainage / storm water runoff.
8. Refuse and sewage disposal.
9. Water supply. (ID) Location and dimension of buildings.
10. Impact of the proposed use on adjacent land uses.
11. Snow clearing and removal.
12. Design elements.
13. Impact of the proposed use on both on-site and off-site infrastructure.
14. Effects of smoke, noise glare, vibration, odors and/or other noxious and offensive conditions if any.
15. Effects on historical properties listed on the National, State, or County Registers and other cultural, archaeological and historical resources of the Town.
16. Hours of operation, lighting, signs.

SECTION VII – CONCEPTUAL SITE PLAN

1. An applicant may request a meeting with the Planning Board for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project, which the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such Site Plan Review.
2. Conceptual site plan submissions shall present a flexible design concept that may be readily changed by 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 of the general character of the proposed development.
3. Conceptual site plan submissions are likely to contain less detailed information than a final site plan submission, with the result that review of these two submissions may yield different results. All review of conceptual site plans is tentative and subject to reconsideration upon submission and review of additional detail provided in a final site plan.

SECTION VIII – SITE PLAN REQUIREMENTS

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

1. Submission of site plan application form with payment of the required fee as established by the Town Board.
2. The site plan may require a plan drawn by a design professional if required by the Planning Board. The scale shall be based on not more than fifty (50) feet to the inch or greater and must be on an 11”X17” sheet.
3. A check list provided with the Site Plan Review application shall be reviewed and then submitted to the Planning Board by the applicant.
4. Applicant shall complete the project within 180 days of approval. Failure to do so will result in voiding of the site plan approval. Applicant may apply for one 90 day extension.

SECTION IX – SUBMITTAL OF INCOMPLETE SITE PLANS

Submittal of site plans that do not contain the required information as set forth in the Local Law or otherwise required are not subject to review deadlines and failure to provide a decision by said guidelines 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 and the information needed to complete the application.

SECTION X – SITE PLAN APPROVAL PROCESS

1. 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.
2. 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.
3. The Planning Board shall make a determination for final site plan approval within sixty-two (62) days of the close of the Public Hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the

Applicant and the Planning Board.

4. 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.

SECTION XI – AMENDMENTS TO SITE PLANS

1. 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 law.
2. The Planning Board may waive any of the procedural steps to the extent it deems appropriate for an application for an amended final site plan, provided the applicant shall formally submit an application to amend and receives formal approval therefore, and the application to amend must be submitted within two years of the date of the approval proposed to be amended.

SECTION XII – APPEALS

The Town of Coeymans Planning Board shall bear sole and final authority in its decisions pursuant to the law. Decisions of the Planning Board shall be subject only to judicial review in the matter prescribed by law in a proceeding pursuant to CPRL Article 78.

SECTION XIII – CONFLICTS WITH OTHER PROVISIONS

In the event that any provision of any other Town of Coeymans Local Law, Ordinance or regulation conflicts with the provisions of this Law, the more stringent provision shall be controlling.

SECTION XIV – PENALTIES FOR OFFENSES

1. Any person or persons, associations or corporations committing an offense against this law or any section or provision thereof is guilty of a violation and shall, upon conviction thereof, be subject to a fine not exceeding \$250.00 or imprisonment not exceeding 15 days, or both.
2. In the event of a continuing offense of any section or provision of this law, each day that such offense shall continue shall be separate violation and subject to a separate fine, imprisonment or combination thereof.
3. Notwithstanding a conviction for any offense against any provision or sections hereof, an association or corporation convicted shall be subject to revocation of any permit therein granted without reimbursement of fees paid thereof.
4. In lieu of or in addition to any fine or imprisonment, or both, imposed for a conviction of an offense of this law, each such offense may be subject to a civil penalty not to exceed \$250.00 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.
5. The Town Attorney may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with this law, notwithstanding the provisions of Subsections 1, 2 and 3 of this section, for a penalty or other punishment.

Councilman Touchette stated that as a Town Board they need to declare Lead Agency, do the Environmental Assessment Form and Negative Declaration and then forward it to the Albany County Planning Board. He continued by saying that they are going to have to adjourn the Public Hearing until they receive a determination back from the Albany County Planning Board and added that they just missed the deadline for submission so it won't be submitted until May, which means it will be the end of May before they can actually pass the Law if it is what the Town Board decides to do. He went on by saying that he wanted to go over the Short Environmental Assessment Form and as a Board

when they get to the Impact Assessment they need to decide each of the actions as a Board and then vote on it. He then went over the form with the Town Board.

Councilman Touchette continued by saying that he would like to move that based on the Environmental Assessment Form, they declare a Negative Declaration on the Proposed Local Law and then asked for a second.

MOTION

On motion of Councilman Touchette, seconded by Councilman Boehm, declaring a Negative Declaration on the Proposed Local Law.

VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Traver) – SO MOVED

Councilman Touchette then asked for a motion to refer it to the Albany County Planning Board for their review and comment.

MOTION

On motion of Councilman Boehm, seconded by Councilman Youmans, to forward the Short Environmental Assessment Form to Albany County for their review and comment.

VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Traver) – SO MOVED

Councilman Touchette continued by thanking the audience for their patience and continued by asking if there was anyone wishing to speak relative to the Proposed Local Law and then asked that they raise their hand and when called upon step to the microphone and state their name and address for the record.

PUBLIC COMMENT

Mr. Gary Bogardus stated that he lives at 139 SR143 and continued by asking what the Town Board is doing now and why they need more control. He added that it seems as though their answers to everything is more laws and went on by saying that as an example, someone that can't make it up Powell Hill can get a ticket because they had to leave their car at the bottom of the hill. He continued by saying that he believes that there are people on the Boards that have their own agendas and added that the Town must get more business to help with taxes and this law will not help business but rather discourage businesses from starting or expanding. He went on by saying that School Taxes are going up almost 5% and who knows how much Town Taxes are going up and then asked that they take a look at how many businesses the Town has lost. He continued by saying that this will add to the cost of businesses through engineers, lawyers, surveyors and what ever else. He added that the Economic Development Plan goals state as follows:

“Foster development of vital businesses-friendly environment, both for existing businesses and new businesses, promote economic development that will expand and stabilize the Town’s tax base while providing for a range of employment opportunities, retain and improve the Town’s commercial and industrial base to expand the availability of goods and services to residents, and foster the development of tourism resources in the Town to strengthen the local economy and establish stewardship and preservation of the Town’s unique resources”. He went on by saying that this is in the Town’s plan, which they drew up and added that farming should be exempt from Site Plan Review according to Agriculture and Markets guidelines and in the Economic Development goals and Master Plan it says that they should pass a Right to Farm Law, which they have not done and continued by saying that he asked the Board at one time to do it but nothing has ever been done. He then asked if Agriculture and Markets had reviewed the Proposed Law.

Collectively the Town Board stated that they had not.

Mr. Bogardus continued by saying that he had the application all made out for them and it is called a Section 305A Review and added that he will file it. He then asked if the Law will be part of the Zoning.

Councilman Touchette stated that it is separate.

Mr. Bogardus asked if it was stand alone and added that he didn't think so and continued by saying that if it is adopted he is sure that it will end up in the Zoning. He then asked how much the Town has paid Laberge Group from 2004 to present to draw up all the laws and plans to restrict their rights and freedoms.

Collectively the Town Board said they didn't know.

Mr. Bogardus continued by saying that he will F.O.I.L. for it and he will find out. He continued by saying that he never thought he would have to spend his retirement years battling Town Government for his property rights and added that they have not needed the law for 50 years and they should run it through the shredder. He concluded by saying that they can petition for a referendum vote on it.

Councilman Touchette stated that they had approximately four minutes before the regular meeting started and continued by asking if anyone else wished to speak to the issue and added that they are going to have to keep it under four minutes because he will be adjourning the Public Hearing.

Mr. Rob VanEtten stated that he lives in the Town of Coeymans and continued by asking whether or not he would have to go before the Planning Board for approval to put up a hay barn.

Councilman Touchette asked if it would be for agricultural use.

Mr. VanEtten stated that it could be any kind of barn and added that the only exceptions are for single family or a two family house and added that it states construction of any new structures.

Councilman Touchette stated that there were some members of the Planning Board present and continued by asking if Planning Board Member Irwin or anyone else wanted to address it.

Mr. VanEtten stated that before it was just a matter of getting a Building Permit and added that now the way it is worded they are going to have to jump through hoops and if someone wanted to build in the spring for additional storage, by the time they get through all this the growing season will be over.

Mr. Buddy Irwin stated that he is a member of the Planning Board and added that the things in the Proposed Local Law are currently in the local Zoning and they are trying to get it out of the Zoning so it will be a stand alone Local Law that could be changed at anytime. He continued by saying that those in the Agricultural District are exempt from it anyway and most of the farmers present are, and it takes precedence over any actions that the Town may take and it gives them protection to pursue their agricultural businesses.

Mr. VanEtten stated that it says construction of any new structure and added that it is pretty black and white.

Councilman Touchette interjected that they are going to have to adjourn the Public Hearing and start the Regular Meeting of the Town Board.

Mr. VanEtten stated that he did not get his question answered, which was not right and added that they are going to present to the County a Law that they can not give him an answer on.

Councilman Touchette stated that he believes that he has an answer.

Mr. VanEtten reiterated that it is pretty black and white and he read it forward and backward and he does not see where it shows that they can just put up a barn with a permit but rather they will have to go through the Planning Board.

Councilman Touchette asked for a motion to adjourn the Public Hearing.

Collectively members of the audience asked why and added that they had not answered the question.

Councilman Youmans stated that personally he was not prepared to move forward until everyone that wants to be heard has a chance to speak and added that this is the point of a Public Hearing.

Councilman Boehm interjected that he wanted to offer a motion to postpone the start of the Town Board Meeting until everyone is heard.

Councilman Youmans stated that he would move that they postpone the start of the Regular Meeting until they hear from as many people that are present that wish to speak.

Mr. VanEtten stated that he wanted clarification because he is going to call Agriculture and Markets and the Farm Bureau and let them know that the way that it is written the Town is trying to run the farms and reiterated that it is pretty black and white

Planning Board Member Irwin continued by asking what he would have done last week if he wanted to put up a barn.

Mr. VanEtten stated that he would have gotten a Building Permit.

Planning Board Member Irwin stated that none of that changes with the Law.

A member of the audience asked why they are doing the Law.

Planning Board Member Irwin stated that they are doing it to get it out of Zoning so that if there was a change needed, if it is a stand-alone law, they will not have to revamp the Zoning. He continued by saying that for people that want to do a project, with this there is a checklist of things that you would need to do and added that right now there is not this type of thing. He went on by saying that everything that Mr. VanEtten is currently doing now will not change and the wording is the same in the Zoning Law.

Mr. VanEtten stated that he thinks they better reword it because he does not think it that way.

Planning Board Member Irwin asked Mr. VanEtten if Planning or Zoning had ever been involved in anything that he has done on his farm.

Mr. VanEtten stated that they haven't yet.

Planning Board Member Irwin stated that his understanding is that it will stay exactly the same way.

Mr. VanEtten interjected that it is to his understanding but he is also indicating that he is not sure either. He continued by saying that he is going by what it says in the law under Developments Not Requiring Site Plan Approval, which is only one sentence and added that they may need to expand on that and clarify it before they send it to the County.

Planning Board Member Irwin stated they may have to.

A member of the audience stated that you don't need a law to make a check list.

Councilman Touchette asked if any one else wished to make a comment.

Mr. Mark Stanton stated that he lives at 89 Biers Road in Coeymans Hollow and added that in putting the agriculture off to the side, when you think about every one that wants to put an addition on their house, build a house or do any thing, they need to think about the backlog that this it is going to make in the Building Department and Planning Board.

He continued by saying that when you put an application in, the Planning Board has 62 days to act on it in addition to another 62 days to render a decision.

Councilman Touchette interjected that construction, moving, relocating or structurally altering a single-family dwelling or two-family dwellings does not require Site Plan Review.

Mr. Stanton stated that there is certainly a lot more that goes on than that and reiterated that any one wanting to start a business in the Town or expand a business, with all the time that will be required for planning, it will be prohibitive for business. He continued by inquiring as to how much it will cost to do all this because they would be tying up a lot of people for many meetings and added that they do not need any more restrictive fees in the Town as far as doing business. He went on by saying that there is also a 180 day limit to get a project done with one 90-day extension and added that there are all kinds of problems that can happen during construction and it could go longer than 6 months. He continued by saying that in today's economy people don't have the money and with this kind of law they are restricting people who are trying to do things in a reserved way and trying to save money so they don't go that far in debt. He concluded by saying that he thinks it is a lot more hoops and loops that people are going to have to jump through and they are against it.

Councilman Touchette asked if anyone else wished to comment.

Mr. Dan Boomer stated that he lives at 212 Biechman Road and added that he is opposed to the law. He continued by saying that the Town is drying up and is like a garden being choked out by weeds and in looking around at every town around us they are doing good. He went on by saying that a lot of people don't go around to other places but he does and even little Freehold is building up with places like Tip Top Furniture and added that he remembers when the Town ran Ken Dudley out of Town, who started the business out on Rte. 143 because he wanted to be in the Town of Coeymans. He continued by saying that instead of doing anything proactive they are wasting everyone's time with more rules and regulations to prohibit people. He added that it was just in the paper that a Company from Texas is putting in a development in Coxsackie and didn't even bother with the Town of Coeymans and went on by saying that they need to wake up and get things going because they cannot afford the school, town and county taxes. He continued by saying that the Town is turning into more and more of a dried up use to be town and the new regulations is more nonsense and went on by saying that instead of arguing and fighting with one another they should be going out and trying to get new business to come in and take a proactive approach and think big like they are in Greene County. He added that he remembers when Coxsackie was the low Town and they watched out for people from Coxsackie, which was not right but it was the way that they felt and now in looking at Coxsackie it is not just the main thoroughfare on Rte. 9W. He continued by saying that they could do the same thing with Coeymans Landing and maybe they should go to Town of New Baltimore meetings and encourage an outlet development to be right over the Town of Coeymans line, which would bring more to the Town. He added that they have to do something, they have to be proactive, they have to stop fighting with one another as well as with the Village and added that the new law is no good and too much because it is already crazy enough to try and build something in this Town. He continued by saying that agriculture is fine because a lot of the law does not touch that at all but for someone else trying to start a business other than another drug store, insurance man or lawyer they can forget it. He went on by saying that he wants his kids to see the Town come back the same way that they brought back Coxsackie and the way New Baltimore is going because his taxes in New Baltimore are half for double the acreage that there are in the Town of Coeymans and added that years ago the taxes were high in New Baltimore but now it is just the opposite. He continued by saying that he realizes that everyone is saying that the taxes have not raised but their assessments have on some sort of a false hope that they are trying to follow Bethlehem with SUV Police vehicles. He concluded by saying that it is madness and they have to get it under control and work together and added that they elected the Board and this is what they are counting on and reiterated that the law is no good and more nonsense.

Councilman Touchette asked if anyone else wished to comment.

Ms. Karen Moreau stated that she is counsel representing P&M Brick LLC, owners and operators of the Port of Coeymans. She continued by thanking them for the opportunity to speak and added that she had been before the Board one time previously to talk about what they do at the Port. She went on by saying that she is hearing that people are generally expressing a feeling that more regulation of this nature is not going to be promoting business or agriculture or quality of life that they would like to see and it may actually have the opposite effect. She continued by saying that she does share their concerns to some degree in speaking to the issue of the agriculture uses as a lawyer and farm operator and added that she believes that if the Board values rural life and rural economic development, that they pause and take their time before enacting the proposal because it would definitely affect the ability to put up agricultural buildings. She went on by saying that there are a lot of farms that are not in Agriculture Districts so the protections that Planning Board Member Irwin had mentioned would not pertain to those farms, which is a technical issue, but it is one that should be reviewed more closely. She continued by saying that Planning Board Member Irwin stated that they are trying to adopt a stand-alone law so they don't have to go through a lot of the difficulty that you would have to go through if you had to change zoning but in reviewing the proposal, which is the Site Plan Review Proposal, which 274-A of Town Law provides for under the Zoning section of Town Law, she finds it very difficult to reconcile the Town's current Zoning Law with the Site Plan Review Proposal. She went on by saying that when you read the proposal even as a stand-alone law, there are a number of things that are inconsistent with the Zoning Law and then asked the Board if they are intending to amend the Zoning Law by adopting the Proposed Law. She added that this may be a question for the Town's counsel, who is not present and continued by saying that it is an important question because it will dictate a number of the things that they have to do as a Board to fulfill the requirements of the Town Law and then asked again if they are repealing certain provisions in the existing Zoning Law by enacting this law.

Councilman Touchette stated that they are not repealing the existing law.

Councilwoman Rogers interjected that she thinks that they are.

Planning Board Member Irwin stated that he thinks that they have to and this is part of the whole process.

Ms. Moreau stated that the appendix of their existing Zoning Law talks about the specific zones in the Town and within each zone there is a schedule of uses and some indicate Site Plan Review is required or Site Plan Review is not required. She continued by saying that this will directly impact what is the actual Zoning Law and added that the Board may be well intentioned in trying to create a better community environment but she thinks it would be helpful based on their Economic Development Plan, that they have put a lot of their effort in, that they have some sort of committee of people that do business in the Town, farmers in the Town, and people who have a real interest in regulations that are going to effect them and work on this in conjunction with the Zoning Law. She went on by saying that it is her understanding that they have a draft of a Zoning Law in the works and it would seem to her that if they are going to do this and go through all the trouble of Public Hearings, referrals to Albany County, other notices, Environmental Impact Statements and other procedural things, it may be a good thing to step back and really start to focus on some of the specifics. She continued by saying that under enforcement it does not say who is enforcing it and whether or not it would be the Planning Board as well as hours of operation for a business, depending on how they structure it, it may not be a legal regulation of a land use and an imposition on business operation, which is unconstitutional. She went on by saying that under Section 2 #4 they talk about achieving efficient use of land and in talking about use of land they are really saying that they are making a law that affects use of land and when you make a law that affects use of land, regardless of what you call it or regardless of whether it is passed on its own, it is considered part of zoning. She continued by saying that under Section 3 they grant the Planning Board authority to review and approve Site Development Plans and continued by asking if it is presently the situation where the ZBA approves Site Development Plans.

Planning Board Member Irwin stated that the Planning Board does.

Ms. Moreau stated that an area that needs a further look and careful review is the uses a Site Plan Review will apply to and added that when they do a Zoning Law they want to make sure that they have zones and within the zones you try to be as specific as possible as to what the uses are so people know ahead of time what they can expect. She went on by saying that the Port is in an Industrial Zone and under the current zoning there are a number of uses that are already permitted and in doing business one of the things that would be difficult for them or anyone else in the same situation, is to be held back by the time that it takes to get through Site Plan Review and added that they are talking about 62 days before a completed application is even accepted before a Public Hearing has to be scheduled and then another 62 days that the Board has to act on it, which is a pretty lengthy time and some businesses such as construction and agriculture are very much tied to a small window of time to get anything constructed. She continued by saying that the Town of Coeymans has a lot of great things going for it and as the previous speaker had said, other communities are passing them by and added that maybe in drafting laws of this nature and in drafting a Zoning Law they should be looking for ways to encourage and streamline the process for the kinds of things that they want to see happen and not impose more regulations as long as it meets what was the intention of zoning in the first place, which is general safety, health and welfare of the public. She went on by saying that this is why towns are allowed to regulate property with that in mind but there has to be a balance and you can't go to one extreme. She added that they talk about construction of any new structure as a project that requires Site Plan Review as well as any development of any new uses and all other building and development activity and they talk about expansion to include not just an increase of size or floor area but also in the term expansion it says "the introduction of new material or processes not previously associated with the existing use". She continued by saying that she can take that to mean if she changes the material in her construction, such as replace siding, she would have to get Site Plan Review to do that and to her if structural alterations do not require Site Plan Review, why should cosmetic changes require Site Plan, which is an interpretation issue. She added that as Mr. VanEtten had said, on one hand they are requiring Site Plan Review for all uses and in the next paragraph they are saying except for single and two-family homes and continued by saying if they want to exempt certain projects from Site Plan Review they have to say in a previous paragraph excepting these uses and reiterated that it is a very important issue of clarity. She went on by saying that she gathers from Mr. Irwin and the Board's comments that the Proposed Site Plan Review Local Law came from and originated from the Planning Board.

Planning Board Member Irwin stated that was correct.

Ms. Moreau continued by asking if there have been any reports done by any of the Boards on the Proposed Site Plan Local Law.

Planning Board Member Irwin stated that it was forwarded to the Town Board at the recommendation of the Planning Board.

Ms. Moreau asked if there was any discussion as to why it was needed or what the intent was.

Councilwoman Rogers stated that there wasn't.

Ms. Moreau stated that section X states "Except those applications for which the Planning Board has waived Site Plan Review, the Planning Board shall issue a notice of completed application." She continued by saying that they don't go on to say anything about what the situation might be where the Planning Board would waive Site Plan Review and added that it is an arbitrary situation where they can waive it in some cases and not others and if you want to give flexibility there has to be some guidelines for waiving Site Plan Review, which speaks to the whole issue of being very specific as to when Site Plan Review is required. She added that to require it in almost every situation, which is what this does, it's like trying to over regulate with the idea that it is going to improve the community but from what people are saying it may have the opposite effect. She then asked if they had referred the document to anyone else or the Albany County Planning Board.

Councilwoman Rogers stated that it had been referred to the Attorney for the Town.

Ms. Moreau continued by asking if it had been referred to the County Planning Board.

Councilman Touchette stated that it hadn't.

Ms. Moreau continued by asking if they intend to send the document and the Negative Declaration along with the Short Environmental Assessment Form.

Councilman Touchette stated that they do.

Ms. Moreau stated that she would suggest that because they have done so much work already on a Proposed Zoning Law as well as some fairly significant studies that the tax payers have paid for, that this should be reviewed in conjunction with the Economic Development Study and the goals that are specified in that. She added that they should slow down on doing this and try to put it in the context of a Zoning Law change so that there are no inconsistencies.

Councilman Touchette asked if anyone else wished to comment.

Mr. William Biers stated that he lives at 319 Biers Road and continued by asking that they withdraw it and not send it to Albany County and added that it seems that they are specifically aiming it toward specific businesses.

Councilman Touchette interjected that he was not aware of any specific target.

Mr. Biers reiterated that they should not send it to the County and talk to some of the property owners and business people in the area before they go any further.

Councilman Touchette asked if there were any other comments.

All persons desiring to be heard were heard.

ADJOURNMENT

Councilman Touchette asked for a motion to adjourn the Public Hearing.

MOTION

On motion of Councilman Boehm, seconded by Councilman Youmans, to adjourn the Public Hearing.

VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Traver) – SO MOVED

Councilman Touchette thanked everyone for attending.

Time: 7:28PM

Respectfully Submitted,

APPROVED:

Diane L. Millious, Town Clerk