

TOWN OF COEYMANS ZONING BOARD MEETING

February 27, 2019

Attendees

Members Present: Mr. Schmitt, Mr. Powell, Ms. Hopkins, Mr. Porlier

Members Absent: Mr. Harris

Also Present: Mr. Cashin; Mr. Pastore; Ms. Ziegler

Public Present: See attached list

Call to Order

Meeting was called to order by Mr. Schmitt at 7:00 p.m. There was a quorum; one board absent. Reading of public notices was waived.

Report of the Building Inspector

Mr. Cashin reported that tonight's agenda includes: area variance for Menditto; use variance for Coeymans Recycling; and two public hearings for Carver Realty.

New Business - Area Variance Applications

Peter Menditto 19-002 ZAV: An application for an area variance for a prefab carport that fails to meet the 40 foot required front line setback located at 12 Carr Road, Westerlo, NY, Tax Map #153-1-4.

Mr. Menditto was present. He explained that he has purchased a pre-fab 18x28' carport and he needs a variance of 22 feet. He has had thefts of four wheelers and tools at his property; wants a locked shed to store items. The property slopes off dramatically behind where the carport would be located. The road is a dead-end; there are only five houses on the road. The carport has an overhead garage door; will be placed on crusher run. Applicant needs an 18 foot front variance, not an 8 foot side variance.

Public hearing was scheduled for March 27, 2019.

Coeymans Recycling Center 19-001 ZAV: An application for a use variance to convert the two family structure located at 2185 River Road, Coeymans, Tax Map# 168-2-3 to its original three family unit. Structure was built prior to the zoning ordinance. It is in an R-2 zoning district.

Mr. George McHugh was present representing the applicant. Mr. McHugh explained that the building has been purchased by Mr. Laraway as a foreclosure. The building had been a three unit building. Ten years ago Mr. Bray owned the building and failed to use it as a three family so it reverted back to a two family. The house is being gutted/renovated and will be rented to Carver employees. Carver owns the building next door. There is plenty of parking between the two buildings. These two buildings and the Adamo building are included in the Town's sanitary sewer system along with the three houses on Stone House Hill Road.

Public Hearing was scheduled for March 27, 2019.

Public Hearings

Carver Realty LLC 19-001 ZAV: An application for an area variance for the proposed "new" Yanni's restaurant to reduce parking area to 75 spots from the required 120. The proposed restaurant will be located adjacent to the old structure at 16-20 Marina Drive, Coeymans, NY, Tax Map #168.8-1-23.

Mr. Michael Biscone and Mr. McHugh were present. Mr. Schmitt opened the public hearing. It was stressed that this public hearing was for the parking area variance only, anything regarding the building (e.g. height, location, views) will be before the Planning Board. Without patio and deck, code requires 66 parking spaces. The following members of the public voiced their concerns/opinions:

Brad Winnie: The map has not been shared with the public; no one in the community knows where the proposed restaurant will be built or how close it is to the boat launch, gazebo and other homes; it will have a negative effect on community and local residents; it will affect re-sale value of his home; view will be blocked; has no benefit to the neighborhood; map doesn't show the nearby parking that will be affected by the reduction in parking for the marina and restaurant; concerned that people will park in the Town Park's parking area and people will be parking in front of his house where he parks his car; how will it impact the park; cars could be parked overnight in the area; where will employees park; there are boats all over; public should have a voice. He opposes the spaces being reduced to 75.

John Frangella is a boater and a fisherman; expressed concern about access to the boat launch and overflow parking and inquired about marine service availability.

Mr. Biscone explained that boats will be stored at the Industrial Park and area where boats are currently being stored will be used for additional parking. He also explained that there will be separate parking for the new Marine Service building. Current Yanni's has 34 parking spaces; 75 should be sufficient for the future Yanni's.

Sylvia Lawler: Something to be considered: That stretch of river has been designated as Scenic Area of Statewide Significance managed by the Department of State Coastal Management because the river views were accessible to all. She doesn't think anyone is against a new Yanni's – parking needs to be addressed.

Mr. McHugh and Mr. Biscone stated that they have contacted SASS; reply has been filed with the Planning Board.

Barbara Heinzen: Asked what is the current capacity of Yanni's – it's 246; and what is the capacity of the new building - 460. She feels that 75 spaces are inadequate. When you have more capacity than your parking for the patrons you are expecting, people will be using the public parking spaces for your private benefit. So you are effectively privatizing public space for your private profit. This is not something the Town should encourage. The public parking and your restaurant should be not gain the benefit of public space for private use.

Tracy Burton: She lives in New Baltimore and has been enjoying Coeymans Landing for years. Traffic and parking have always been a problem; concerned about safety issues re pedestrian traffic and emergency vehicles.

Barbara Tanner: She had a question about parking, She feels like it's putting the horse before the cart. What if the Planning Board decides the building is too big? Mr. Biscone explained that all of the work has been completed for the Planning Board; Planning Board is making them address the parking problem that has historically been indigenous to this site.

The Zoning Board clarified confusion regarding 120 parking spots versus 75 parking spaces and location of the parking. Mr. Schmitt explained that 120 was based upon the square footage of both inside and outside the building. If the proposed building was at maximum capacity year round and every table and patios were being used they would need 120 spaces; if not at maximum applicant feels only 75 spaces would be needed. The Zoning Board can make conditions to their approval.

Ms. Hopkins further explained that all the boats in the current storage area will no longer be there. The map shows where the parking will be. If there was overflow patrons could use the other spots available for Yanni's. She encouraged members of the audience to come forward and look at the map, which a few members did.

Mr. Schmitt made motion to close the public hearing; seconded by Mr. Porlier; all in favor.

Mr. Schmitt read the Albany County Planning Board recommendations for site review and area variance. Their recommendation: modify local approval to include (1) Notice of Intent filed with NYSDEC re Stormwater Pollution Prevention Plan (SWPPP); (2) all necessary licenses and

permits from NYS Liquor Authority; (3) NYSDOH for necessary food service and other required permits. Their recommendation also included an Advisory: This is a special flood hazard area, Zone AE 100 year flood plain, regulatory flood plain; a SWPPP should be in place and additional impervious area should be accounted for.

Mr. Schmitt asked the five required SEQRA questions which the Zoning Board has to answer: #1 – no; #2 – No; #3 yes; #4 – no; #5 – yes.

The Zoning Board discussed caveats which could be included in the variance approval.

Planning Board will be the lead agency for SEQRA.

Mr. Porlier made motion to approve the area variance for parking with the understanding that (1) the applicant complies with all of the recommendations made by the Albany County Planning Board; (2) the 75 spots will be clearly delineated; (3) gravel or some other permeable surface will be used for the parking spots; (4) During large events there will be traffic control personnel available to ensure that the parking is maintained on the new Yanni's restaurant site; (5) No boats or equipment will be in or around the auxiliary lot or main parking lot; (6) auxiliary lot depicted on the map will be kept open and readily available for parking at all times; seconded by Mr. Schmitt; all in favor.

Carver Realty LLC 19-001 ZFDPV: An application for an area variance for a Flood Damage Prevention Variance for the proposed "new" Yanni's restaurant to place the building below the base flood elevation. The proposed restaurant will be located adjacent to the old structure at 16-20 Marina Drive, Coeymans, NY, Tax Map #168.8-1-23.

Mr. George McHugh and Mr. Michael Biscone were present. Mr. Schmitt made motion to open the public hearing; seconded by Mr. Porlier; all in favor.

Mr. Biscone explained that since Super storm Sandy there are new FEMA regulations. The flood plain rises to Frist Street under the new regulations.

Building is below the 17' mark; new building will be 12 feet above the flood plain and equipment in the building will also be above the flood plain. Applicant has private flood insurance. The twelve factors FEMA asked to be considered were discussed at last month's meeting. A member of the audience asked why this variance was needed. Mr. Biscone stated the Town of Coeymans requested the variance so that the Town could continue to receive FEMA aid. Question was also raised: without the variance could you still be allowed to build – can still build but Town would lose FEMA standing. Mr. Schmitt stated that the Albany County Planning Board has no issue. Mr. McHugh stated that he attended the ACPB meeting; flooding was addressed.

Mr. Schmitt made motion to close the public hearing; seconded by Ms. Hopkins; all in favor.

Mr. Schmitt read the Albany County Planning Board's recommendation/advisory, which was the same one as the one for the parking area variance. Mr. Schmitt stated that the 12 delineated concerns that FEMA has requested were addressed at the last meeting.

Mr. Schmitt made motion that the application for flood damage variance be approved; seconded by Mr. Porlier; all in favor.

Adjournment

Mr. Powell made motion to adjourn; seconded by Mr. Schmitt; all in favor.