

TOWN OF COEYMANS PLANNING BOARD MEETING

May 6, 2019

Attendees

Members Present: Mr. Quinto, Mr. Foronda, Mrs. Kunz, Mr. Nolan, Mr. Collins, Mr. McGuire, Mr. Ross

Members Absent:

Also Present: Mr. Cashin and Mr. DeBacco, Building Inspectors; Ms. Ziegler, Recording Secretary; Mr. Pastore, ZBA Attorney

Public Present: See attached list

Mr. Quinto welcomed everyone and made a few announcements concerning tonight's meeting, which included pointing out the exits due to the large number of people in the room, stated there are two sign in sheets (one for those present and one for those who want to speak during the public hearing), and how the opportunity to speak will be handled.

Mr. Quinto stated that he had a few things he would like to address. Over the past two months members of the Planning Board have received e-mails and phone calls, and had face-to-face encounters about some of the projects that we have in process. It's important for everyone to understand that if you have a question for the board you can contact member of the board. You cannot contact members of the board with specific comments and opinions on very specific applications. That puts them in a very difficult position. If they have not responded to you that's because if they set up in any way at all a private conversation between a private citizen and a board member it's just as bad as if an applicant has called one of them and invited them to lunch so they could discuss the application. The rule runs both ways.

Pledge of Allegiance was done.

Officer Klein introduced himself and explained how he would handle the situation if any of the Planning Board members asked anyone to leave for any reason.

Call to Order

Meeting was called to order by Mr. Quinto at 7:00 p.m. There was a quorum; full board present.

### Approval of Minutes

Mr. Nolan made motion to approve the minutes of the April 1, 2019 meeting and the April 15, 2019 workshop; seconded by Mrs. Kunz; all in favor.

### Report of the Building Inspector

Mr. Cashin stated that there are two public hearings on tonight's agenda: WM Biers, Inc. and Carver Realty LLC.

### Public Hearing

**WM Biers Inc. 19-003SPR:** An application for a Site Plan Review requesting an amendment to the 2018 site plan approval – for additional warehouses and decrease in fill, located at 2029 River Road, Tax Map #168.8-1-23

Mr. Foronda stated that at the workshop meeting he made the motion to move this to public hearing pending DEC's review being done. Letter was just received from DEC which included all kinds of things they need. Mr. Foronda explained that the Public Hearing is not going to be opened until the application is complete.

Lengthy discussion was held between the Planning Board and applicant representatives Dave Ingalls, Bill Kuhl, and Joe Castioalone. Discussion included:

- SEQRA Parts 1 and 2 which were discussed at the workshop on April 15.
- Mr. Ingalls stated that applicant had received notice back from the SEQRA coordination which is what he thought Planning Board was referring to. Notice of incomplete application had nothing to do with the Planning Board; that is an application they had independently before DEC for use of the fill material; doesn't feel that impacts the site plan. They are prepared to answer any questions.
- DOT issues: Traffic – Mr. Ingalls sees no potential impacts on traffic, trucks are only crossing Route 144; he is not prepared to discuss traffic relative to the warehouse buildings. Mr. McGuire stated the Planning Board received the e-mail from Engineer Christina Crowley today. McGuire called her to ask if there was an issue. She stated that road is not built to take the amount of capacity of traffic which would be crossing Route 144 and that DOT did have some concerns regarding traffic and possible degradation of the road associated with the project and that is why they sent that request. It wasn't an issue with DOT before but now it is. Planning Board wants to make sure that all permits and applications are in place prior to granting approval. Traffic study will be needed.
- Use of fill material: DEC 360 regulations have changed from what was approved for the Special Use Permit last year.

- Albany County Planning Board: Mr. Ingalls stated they had prepared a written response which was e-mailed to Mr. Cashin late yesterday; they had already addressed all of the ACPB comments: storm water plan was submitted; Coeymans Creek buffer; flood plain permit was submitted – they are not in the flood way of the creek; Federal or state wetlands impacts – none; archeological study – this portion of the property is outside of any archeological area.
- Concerns of the Board: Mr. Quinto stated that the five page document contained issues on noise, visual, hours of operation, traffic, archeological, tree clearing, office appendices, other agency approvals, flood plain, storm water. Planning Board can't continue this until they have a complete application; need documentation on all of the points; need to see that this is satisfied prior to continuing.
- Mr. Ingalls stated that he thinks DEC did not have all the information that the Planning Board has before they wrote the letter. Mr. Quinto read some of the DEC items listed in their letter. Mr. Ingalls said 95% of the issues are easily addressed.
- Lengthy discussion continued between applicant, Planning Board and Town ZBA attorney relative to all of the above and whether to open the public hearing tonight or defer to next meeting. There was not enough time to review the recent letters before tonight's meeting.

Mr. Foronda made motion to move the Biers application to June 3, 2019 meeting for public hearing, absent a DEC letter which says on the top of it Notice of Incomplete Application; Mr. Quinto seconded the motion; all in favor.

**Carver Realty LLC 18-003 SPR:** An application for a Site Plan Review on a new commercial building for a proposed restaurant located at 16-20 Marina Drive, Coeymans NY 12045, Tax Map #168.8-1-23

Mr. McGuire had a question for Mr. Biscone: Planning Board has received an e-mail from OGS regarding a grant of land that was previously under water. Mr. Biscone is not handling that for Mr. Laraway but his understanding is that the application is underway and there is a temporary exemption being issued for the corner of Yanni's restaurant to allow them to proceed with construction; the rest of it has nothing to do with Yanni's; it has to do with Carver's land and they are giving him the grant as a matter of formality. Mr. Biscone stated that Mr. McHugh knows more about that with his prior involvement with Carver Laraway. Mr. Nick Laraway was present and stated that OGS has sent over all of required documents, the documents were executed Friday, and are being distributed this week.

Mr. Foronda made motion to open the Public Hearing; seconded by Mr. Collins; all in favor. Mr. Cashin has the list of those who wish to speak and sequence of speakers will be taken from that

list; Mr. DeBacco will be the timekeeper. Each person wishing to speak will have three minutes to speak.

Leona Kassoc: She has dealt with Yanni's for the past 15 years and has brought many people to the restaurant all who have had favorable experiences; the Yannis's love the community and have the best interests of their hometown at heart; she is looking forward to the new Yanni's.

Barbara Winne Michelin: She lived here all her life; Yanni's went through seven floods, which required new equipment, new drywall and through it all the community was there helping; current kitchen is not air conditioned; they deserve an efficient restaurant and a place safe from floods.

Poppy Ganley: She is a homeowner in Ravenna; has lived here for 16 years and has worked for the Yanni family for three; the money she earns is spent locally; current restaurant closes for the winter months due to the cold temperatures; new building will allow Yanni's to be open year round thereby providing full year employment for its employees; Yanni's have been in business for 21 years and has employed over 1000 people during those years.

Henry Traver: He has just moved to 14 First Street and is a neighbor of Yanni's; his main concern is the trees people are talking about; he will lose the most view of the river; the only thing he asks is to work together to move some of the trees; asked Planning Board to look to the future; he believes there is no detriment to the eagles; he is willing to sacrifice his river view to see a beautiful restaurant come in to this Town and help this community grow.

Mr. Quinto stated that he had previously heard nothing about tree issues and asked Mr. Cashin if there was a possibility of some trees being taken down. Mr. Cashin was not aware of that. Mr. Biscone believes there may be one elderly tree to be removed which is adjacent to the public dock and does not have a problem with the Planning Board, as part of site review in the landscaping aspect, requesting to have another tree planted.

Robert Rayow: Lives at 7 Westerlo Street, has lived there for 15 years and loves Yanni's being there; not opposed to larger restaurant as long as it is done right; he asked has it ever been proposed that instead of building a new building attach Yanni's to the existing buildings so that it is north of his restaurant, moving the marine store to some other location on the property, using the new workspace that is between the restaurant and the Marine store, make that a two story with a deck on the roof. His other concern is that if they have built a new structure there and restaurant fails then we have a huge structure there not doing anything - what would be the chances of the zoning then being changed to industrial which would be tragic; should be some provision that the area would always be commercial not industrial; wants Yanni's to succeed if there is a better way of doing it.

Sylvia Lawler: She has an issue with SEQRA process, particularly Part 2 – she said positive declaration has to be made if there is one significant impact and the Board is required to do a reasoned elaboration – have to provide sources and put answers in writing; wants the Planning Board to keep the public hearing open and to consider a positive declaration.

Steve Lambert: He has one question: Does anyone on the Planning Board feel they should recuse themselves from voting because of any close business dealings with Carver Laraway.

Mr. Quinto responded that the Board is here to listen to the facts. They try not to have their emotional feelings involved in any applications. They are a professional group; he doubts that anything in terms of conflict would affect the decision of anyone on the Board.

Mrs. Kunz also commented that she wanted to clear the air concerning her relationship with Coeymans and Coeymans Landing Park. She was instrumental in the design of the Park and she has a personal commitment with the Park; she feels that she can divorce all of that and look at this application.

Brad Winne: The Hamlet waterfront has been designated as a scenic area; it is listed on the State Register of Historic Places and he quoted Chapter 165 of the Town Code and also quoted sections of the NYS Department of State Coastal Management Program policy; wants hearing to remain open; three minutes isn't enough time; has more signatures for positive declaration.

Pamela Moore: she is employed at Yanni's; they have hired many people over the years; with all the empty storefronts in the area we should be happy anyone wants to build in our Town.

Kurt Devenitch: Lives at 35 Church St.; bought his home because of historical significance and beautiful neighborhood; there are several old buildings - Carver has done good things including buying and rehabbing them; new construction is a different story – new building needs to look good, enhance the waterfront and is properly maintained; there are too many questions to ensure successful outcome; what are the plans for current building; if new restaurant were to go out of business what would be the plan for that new building; would port take over use of the building; don't need to rush; already has a location; leave comment period open; hold a workshop to work together to develop layout and structure to ensure enhancement of the waterfront now and for the future.

Mike Rizzo: moved to the Hollow six years ago then bought a house in the Hamlet because of historical aspect, the park and view; supports Yanni's but sees some issues: waterfront dining decreased, north side has view of old building; south side has view of boat launch; patio not as big as it was; architecture should have more historical elements; loss of view; traffic issues will get worse if building is bigger; restaurant owner and landowner have not taken into

consideration the community and their input. he is against the proposed new building; landowner should go back to drawing board; make an effort; rushed decision.

Sarah Priksma-Rizzo: Resident for 6 years; bought house because close access to Town Park; consideration should be given to the impact on those around them; metal sided building; if site plan is pushed through it would be at the expense of and disruption of historic character of the area; disruption of park; need to protect assets; Landing is the hamlet's access to the view; will block park and gazebo; thinks building will encroach on Town Park.

Brandon LeFevre: 32 year resident of Coeymans; improving our community can be achieved through smart and planned economic development which often starts with investments and improvements of local business, e.g. Biers' new warehouses and new Yanni's; both have the potential to add greatly to our community; opinions of community are important as part of the smart planning.

Adam Sutton: He is a high school teacher and a waiter for Yanni's; he has been reading opinions on social media; it is for the Planning Board to decide; village and town should work together on comprehensive plan; hoping village and town can work together; please approve the project.

William Tryon: There is too much regulating and bureaucracy; businesses should not be hindered.

Bruce Stott: 50 year resident; hopes a compromise can be reached; provided some Winne family history; work more should be done on the location; disappointed in Town fathers for not speaking out against the proposal; park losing some of its beauty; questions building the new building in the location; there needs to be a sense of empathy.

Dawn Reed: Has been in the town 46 years, 43 Westerlo Street for 14 years; concern is the traffic; need a four way stop at Westerlo and Route 144; do things to enrich the Town; supports the restaurant; creates jobs.

Tracey Burton: It is not about Yanni's; Carver is an industrialist; there is only a little riverfront to enjoy; it's an historical district; what do you want the riverfront to look like; Carver could take over as industry.

George Langdon: Been in Town 35 years; Town hinders investment; regulations are piled on investor; in general the problem in the town and with the government of this town is that Town creates obstacles for people; Carver brought industry to the Town and created lots of jobs and has been buying and restoring houses in the hamlet; don't slap investors in the face; need to do things to support investors not chase them off.

Barbara Heinzen: Lives within walking distance of the Hamlet; need investments -make them with care; building is out of keeping with the character of the area; fresh water tidal habitat needs to be protected; building will destroy the tree; building does not have to be there – could be put in current location.

Jeff LaGuire: He is one of three members of the Friends of Coeymans; they did a poll – had 404 votes, 88.6% were in support of Yanni's; there are many condemned buildings in the hamlet; cannot let neighbors dictate what we want to do to our property; Board members must approve this.

As an FYI, Barbara Tanner stated that the Town Board had looked into a four way stop at Westerlo and Route 144; DOT said no.

Mr. Biscone gave the Planning Board a petition provided by the Friends of Coeymans signed by 500 people in support of the new Yanni's site which supports the poll Mr. LaGuire spoke about earlier. He also stated that Yanni's generates \$112,000 in sales tax; currently employs 29 employees – will increase to 40; Yanni's is a germaine member of our community. The reason for building the new restaurant is the old/current restaurant can't be rehabbed. Lease expires on 9/30/19. Mr. Ingalls stated: site plan meets all of the requirements of the Town zoning ordinance; clarification of the SEQRA, Part 3: if you checked a moderate to large you do not have to have a positive declaration, only need explain how you reached that decision and how you addressed those items.

Mr. Quinto thanked everyone for their opinions and made motion to close the public hearing; seconded by Mr. Foronda; six voted to close the public hearing, one voted no.

Each Planning Board member was given an opportunity to speak.

Mr. Foronda: Went through a lot of materials and listened to a lot of discussions. First and foremost It's a permitted use – mixed use and has always been a mixed use in the Hamlet and you have to live with it. The Zoning Board of Appeals addressed sight, height and parking. Changing zoning would be a whole different issue.

Mr. Nolan: He feels the consensus from the general public is positive; Planning Board did due diligence; have all approvals from agencies; no negative impacts; it's clear that the project should be approved; no reason to disapprove.

Mrs. Kunz: She feels the real opposition is aimed at Laraway not at Yanni's; more people are for it than against. The Planning Board considers each individual application on its own merit.

Mr. McGuire: He thinks that everyone here is in support of Yanni's. The Planning Board does not have a position that is pro or anti business; we are here to review the applications based on

the information provided, ask questions and conduct a thorough review. He would ask that, if possible, we could take some time to digest the comments before we vote and make a decision that might impact the future of the community. He supports the project and think it's a good thing for the hamlet to have but there are some questions which have been raised that maybe we could address with the applicant and see if some type of solution can be derived. He thinks it's a good thing for the community as a whole.

Mr. Ross: With this turnout there is probably a lot more that people would like to say and he thinks it would be a good idea to extend the public hearing.

Mr. Collins: Mr. Sutton mentioned opinions. The Planning Board is a board of process not a board of opinions; everything had been addressed; changing zoning is a separate process. It's sad that the Winne family may not be talking to one and another because of this decision. He and the Planning Board support business. He approves the project.

Mr. Quinto: He wouldn't discourage new business coming in to the Town; he agrees that we should consider promoting whatever business or whatever investment we can and when we have an opportunity. In terms of the Yanni's project, all of the agencies that we have gotten feedback from have no issues. Month after month we have been offered all kinds of facts, studies, etc. The applicant complied with whatever the agencies asked of them and they have done and a good job. All agencies involved really have no significant issues with the project. He feels they are in a position tonight to vote on it.

Mr. Quinto made motion for a negative declaration for SEQRA; seconded by Mr. Nolan; six in favor, one abstained.

Motion was made by Mr. Foronda to approve Yanni's application; seconded by Mr. Nolan; six in favor; one abstained.

### Adjournment

Mr. Ross made motion to adjourn; seconded by Mr. Foronda; all in favor.