

MINUTES BOOKTOWN OF COEYMANS**

January 23, 2020 – Public Hearing – 6:00pm

A Public Hearing was held Thursday, January 23rd, 2020 at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT: George D. McHugh, Supervisor
Daniel D. Baker, Councilman
Kenneth C. Burns, Councilman
Zachary S. Collins, Councilman
Brandon L. LeFevre, Councilman

ALSO PRESENT: Cindy L. Rowzee, Town Clerk
James Peluso, Attorney to the Town
Andrew Brick, Zoning Board Attorney
John Cashin, Code Enforcement Officer
Daniel Contento, Officer in Charge
Megan McHugh, RCS Student Representative

Audience (13+), Media (0)

Supervisor McHugh opened the meeting and led the Pledge of Allegiance. He stated that a full Board was present. He then asked Town Clerk Rowzee to read the Notice of Public Hearing.

**NOTICE
OF
PUBLIC HEARING
ON PROPOSED LOCAL LAW # 1 OF 2020**

A Local Law to abolish the Planning Board and transfer its functions to the Zoning Board of Appeals, which is to be known as the “Planning Board/Zoning Board of Appeals” and to increase its membership to seven (7) members.

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Coeymans will hold a Public Hearing on January 23, 2020 beginning at 6:00pm at Coeymans Town Hall, 18 Russell Avenue, Ravena, NY concerning Proposed Local Law # 1 of 2020 as described above.

A copy of the Proposed Local Law is on file in the Town Clerk’s Office and is available on the Town website.

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
Cindy L. Rowzee
Town Clerk**

MINUTES BOOKTOWN OF COEYMANS**

January 23, 2020 – Public Hearing – 6:00pm

Supervisor McHugh read the intent section of Proposed Local Law 1 of 2020:

The intent of this Local Law is to abolish the Planning Board and transfer its functions to the Zoning Board of Appeals which will result in a streamlined review process for applicants and promote economic development by providing a more efficient and coordinated land use review process within the Town of Coeymans. Coordination of land use review functions pursuant to this Local Law will maintain the highest standards of review and approval as required by applicable state and local laws and regulations which will continue to protect and enhance the Town of Coeymans, its citizens, its environment, and its economy.

He then read Section 2 of the Local Law:

The Town of Coeymans Zoning Board of Appeals shall hereafter be known as the Town of Coeymans “Planning Board/Zoning Board of Appeals”. All references to either the Zoning Board of Appeals or Planning Board located within the Town of Coeymans Code shall be replaced with the term “Planning Board/Zoning Board of Appeals”.

He then stated that this would make one board from the two that would be made up of seven members. They will have all of the duties that are currently held by both boards.

Public Comment

Mr. Buddy Irwin of Coeymans stated that he was a long-time member of the Planning Board and agrees with what they are trying to do but was wondering where the checks and balances are? He stated that the Zoning Board used to have the final say but now with there being only one board there is no one to vote against it.

Supervisor McHugh stated that everything would stay with the one board from application to approval but it would go to the Albany County Planning Board for review. He stated that there is also the Article 78 proceeding which anyone can bring if they feel the law was not followed. There is also the attorney on staff for advice who is well versed in Planning and Zoning.

Supervisor McHugh then stated that he had worked as an applicant through the combined board in Ravena and it cut the time in half. It all went through in four months rather than in eight or nine. None of the review was cut short, it just didn't have to get kicked to a different board and then have to wait until they met next. He stated that this would be more efficient.

Mr. Irwin stated that in his experience very few things go to the Zoning Board.

Councilman Baker stated that they wanted to model this after the Village.

Ms. Mary Ellen Rosato of Ravena, who is currently a Village Trustee, stood and spoke from her experience as a Secretary of the Village Planning and Zoning Boards for 30 years and stated

MINUTES BOOKTOWN OF COEYMAN**

January 23, 2020 – Public Hearing – 6:00pm

that the new combined board is working wonderfully. In response to a question from the Town Board she stated that they had combined their boards in 2013.

Supervisor McHugh asked her what she felt were the biggest advantages.

Ms. Rosato stated that it was for the applicants, the time that is cut down and they don't have to wait. She stated that everything goes to Albany County Planning Board and that Mr. Brick, the new Attorney to the Zoning Board is wonderful and is a wealth of knowledge.

At this time there were no other comments and the Board stated they would keep the Public Hearing open.

Councilman Baker then introduced Megan McHugh who was there for a new Student Representative program. She is a High School Senior who is currently taking the Government class. Councilman Baker stated that he had met with the school administration in order to get the school more involved. They are going to start bringing students to one meeting a month. There will be a new student every month.

At this point Supervisor McHugh asked if there were any other comments.

Mr. John Cashin, Code Enforcement Officer for the Town of Coeymans, stood and stated that under the current system when someone wants to put up a shed close to their property line it can be a two month process if they need a variance. If they want to do a subdivision within 30 feet of their house it can be a few month process.

Supervisor McHugh stated that with the combined board and two meetings a month a three month process can be completed in 30 days.

At 6:15 as there were no other comments Supervisor McHugh left the Public Hearing open but moved on to the Public Hearing on Proposed Local Law 2 of 2020 by asking Town Clerk Rowzee to read the notice.

**NOTICE
OF
PUBLIC HEARING
ON PROPOSED LOCAL LAW # 2 OF 2020**

A Local Law to authorize the establishment of escrow accounts to be funded by applicants before the Planning/Zoning Board of Appeals for professional services to review land use applications.

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Coeymans will hold a Public Hearing on January 23, 2020 beginning at 6:00pm at Coeymans Town Hall, 18 Russell Avenue, Ravana, NY concerning Proposed Local Law # 2 of 2020 as described above.

MINUTES BOOKTOWN OF COEYMAN**

January 23, 2020 – Public Hearing – 6:00pm

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

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
Cindy L. Rowzee
Town Clerk**

Supervisor McHugh read the intent of Proposed Local Law 2 of 2020:

The intent of this Local Law is to require an applicant before the Planning Board/Zoning Board of Appeals to be responsible for professional costs incurred for the review of their application through the creation and funding of an escrow account.

He then stated that the typical review for a resident would not require review beyond our Board and our attorney. For something in the industrial park with commercial buildings, new water lines, storm water plans, and new roads it can be large and complex. The Planning and Zoning Board would need to give this a thorough review that needs professional engineers, architects and attorneys to assist them in the review. These costs should not be borne by the taxpayer but by the applicant seeking approval. The money that they spend in this process they consider as money well spent. Most towns and villages already have something like this in place so contractors and big land developers are used to bearing this cost.

Andrew Brick, who is the attorney to the Zoning Board stated that this will not apply in every particular instance but is for large scale businesses. A lot of things are better for professionals to look at and it makes sense to have a professional do that.

Ms. Barbara Tanner of RAVENA stood and asked who has been paying prior to this.

Mr. Brick stated that it would have been the taxpayers, however, there would have been less incentive to get a professional to look at things if the Town has to pay. This means they would have been making decisions without professional expertise.

Ms. Tanner then asked if Mr. Brick was the Attorney here. He stated that he was and listed his many years of experience working for the Village and on and off for the Town.

Supervisor McHugh stated that this is a way to have good Planning. If you do not have the ability to consult with professionals it can lead to bad planning.

Ms. Tanner then asked how do you know how much to charge and who chooses the professional?

MINUTES BOOKTOWN OF COEYMANS**

January 23, 2020 – Public Hearing – 6:00pm

Supervisor McHugh stated that they would get estimates from the professional. The professional would be chosen by the Planning/Zoning Board and would work for the Town. The company would not have any say in who was chosen. The professional would work for the Town, the Town would be the client.

There was discussion among the Town members about the benefits of the Town being the client.

Mr. John Cashin stood and said that he thinks this is a good idea. He stated that the Boards had been frustrated that they didn't have any help but since it wasn't budgeted for the money just wasn't there to hire someone.

Ms. Bernice Hopkins, a member of the Zoning Board of Appeals, stated that she feels this will help with big projects and will allow them to ask a few more questions. She stated that as a Board member, the good part of this law is that you will feel free to ask for more information and it won't come at a cost to the Town.

Supervisor McHugh stated that they want them to ask questions because no one on that Board is an engineer. If they need help he does not want them to hesitate.

Councilman Baker stated that one of the things they were campaigning on this last year was being a business friendly community.

Supervisor McHugh stated that business people love this law because they are all about time and if they pay for a professional the process can be more efficient.

Mr. Nate Boomer of Coeymans stood and stated that this is a refreshing meeting with the way people are speaking and interacting with the Board. He has seen setbacks from Planning Board meetings and feels that this is in the right direction.

Mr. David Ross, a member of the Planning Board, stood and stated that he has enjoyed his time on the Planning Board and his time helping the Town. He is hopeful for a good future.

Ms. Mary Driscoll of Coeymans stood and stated that she used to cringe when she saw High School students at the meetings. She was so glad to see the young lady here and hoped that her and future students would be encouraged.

Councilman Burns stated that they wanted to support local businesses and organizations.

At 6:35 Supervisor McHugh recessed the public hearings until closer to 7.

At 6:55 Supervisor McHugh reopened the public hearings for more comments.

Ms. Kristin Herrick of Coeymans stood and spoke against Proposed Local Law 1 of 2020. She stated that she felt that this had all been done in violation of the Open Meeting Law since the

MINUTES BOOKTOWN OF COEYMANS**

January 23, 2020 – Public Hearing – 6:00pm

Planning Board was not given an opportunity to discuss this at an open meeting. She had been sent a letter before Supervisor McHugh even took office and felt the letter was stating that this decision was already made. She stated that law and policy supports an independent Planning Board and a majority of Towns maintain the separation. She stated that nearly all benchmark towns and 100% of the Towns that are comparable in our Comprehensive Plan have both boards. She stated that there is no coherent rationale to do this and that there is no cost saving analysis or research presented. She feels that this is clearly a political move and unethical and not in the public interest of those he was elected to serve. She feels it is a way of removing board members. She feels that this will open the way for tire burning since Lafarge is already burning them in Nova Scotia. She feels that the world's tire problem can be solved with advances in technology not burning tires in the backyard of the school. She stated that the EPA has concluded that emissions from the burning of tires are a serious threat to human health.

Supervisor McHugh thanked Ms. Herrick for coming. He asked her why she felt that she needed to resign from the Planning Board if he had already abolished it. He read the letter he had sent to Ms. Herrick before taking office to inform her of the proposed change in the boards and inviting her to reapply for the combined board if this goes through. He stated that he did not appreciate her putting out information that was false. He stated that she had been sending her e-mails to the Code Enforcement Officer, not to the Town Board, and they had been shared with him.

Councilman Collins thanked Ms. Herrick for her opinion.

Mr. Bill Tryon of Coeymans stood and stated that this working together is what we were hoping for. He feels bad for Ms. Herrick but that we have the technology to do these things. Someone has to have dust or other pollutants in the air, we can't live pristine. He then thanked the Town Board.

Councilman Baker stated that he had voted against the Clean Air Law because it cannot be enforced. We are not going to pass laws that cannot be enforced. He stated that Albany County cannot enforce the law either and so it has stalled in the County Legislature. He thanked Supervisor McHugh for handling that well.

Motion to Adjourn but not close the Public Hearing

On motion of Supervisor McHugh, seconded by Councilman Baker, the Town Board voted to adjourn the meeting but not close the Public Hearing, stating that it would remain open until a Special Meeting on Feb. 25th, 2020 at 6pm where they would reopen it.

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Time – 7:07pm

Respectfully Submitted,



Cindy L. Rowzee, Town Clerk