

TOWN OF COEYMANS PLANNING/ZONING BOARD MEETING

May 27, 2020

Attendees

Members Present: Mr. Schmitt, Mr. Collins, Ms. Hopkins, Mr. Gonzalez, Mr. Harris
Mr. Nolan, Ms. Kunz, Ms. Tutay (alternate)

Members Absent:

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

Public Present:

Call to Order/Pledge of Allegiance

Due to the COVID-19 pandemic this meeting was a virtual meeting. Meeting was called to order by Mr. Schmitt at 7:00 p.m. There was a quorum – full board present. Mr. Schmitt led the Pledge of Allegiance. Mr. Schmitt read the public notices for tonight’s public hearings.

Approval of Minutes

Mr. Schmitt made motion to approve the minutes of May 11, 2020; seconded by Mr. Nolan; all in favor.

Report of the Building Inspector – None

Public Hearing

Victor Liotta 20-001 SUP: Construction of a berm located at 1616 River Road, Tax Map #145-1-5.1, Zoning Chapter 165-10 (R) Excavations

Mr. Liotta was present. Mr. Schmitt made motion to open the public hearing; seconded by Mr. Harris. Mr. Schmitt announced the phone number for members of the public to comment/ask questions. Discussion included:

Mr. George McHugh (who appeared before the board as a Town of Coeymans taxpayer and resident) stated that he has some serious concerns with the application and feels that the applicant is not forthcoming with any information. Mr. McHugh made reference to a press

release concerning Mr. Liotta's arrest in 2011 as owner of Oceanside recycling company charging him with selling mulch contaminated with traces of arsenic and PCBs and containing bits of plastic and sheet metal and had also been charged in the past with illegal dumping in Suffolk County. Mr. McHugh hopes the board will take the time to do their own due diligence on this application and to do their own research as to why this berm is needed. He questioned why someone would buy a 15 acre parcel along the Hudson River, a virtually useless piece of property right next door to the Thruway, two miles from the Port of Coeymans, within a mile of the NYS Thruway; is he looking for places to stockpile or lose some of the adulterated material. He feels it's worthy of an answer.

Mr. Liotta stated that in regard to the arrests, he had been proven not guilty. In response to why he wanted to build the berm, he replied that he has an agreement with his neighbor to build it so that it would prevent neighbor from seeing the highway. He said he doesn't need permission from the neighbor to build the berm. The material he is using for the berm is his own material, - topsoil tested clean; what he chooses to do with it on his property is his business. If there are any other questions on the news article, he is here to answer them and any other questions. Ms. Hopkins asked about an arrest in 2014; Mr. Liotta responded that he had been charged twice for two separate sites re contaminated mulch and was found not guilty on both charges.

Mr. Nolan stated that in 2019 Mr. Liotta had an application for Special Use Permit to store trucks, building products, stone, soil and sand. He asked applicant if that was still his intended use. Mr. Liotta responded "no" – he wants to bring the property to grade and sell the property; he has no interest in what he had originally requested. He expressed his displeasure with the Board: feels he is not being treated equally from what others in the Town are doing and every time he comes before the board there is a new issue each time. At this point he'll bring the property up to grade and do what everybody would like him to do – sell the property. He has no interest in what he originally requested.

Mr. Nolan asked if Mr. Liotta approached his neighbor to see if he was interested in buying the property; Mr. Liotta replied yes he did but he will only discuss the purchase with the neighbor. He was then asked if he will build the berm anyway? He replied if it makes everyone happy he won't build the berm.

Mr. Schmitt asked if he wanted to go forward with the Special Use Permit for the berm; he answered yes - he wants to go forward and still build the berm. He again stated that he is not being treated fairly.

Ms. Tutay commented that the Board is charged with making sure that what goes on in this Town is safe for our Town. They are asking Mr. Liotta questions so that they can be certain they are doing their due diligence to the citizens of the Town of Coeymans and would be remiss if they didn't ask questions. This is not a personal issue.

Mr. Schmitt: As it stands right now, your intended use for of this property is to build the berm, bring the grade up to a natural level grade, and then sell the property. Mr. Liotta agreed. Mr. Schmitt asked why topsoil can't be used to grade the property? Mr. Liotta stated that topsoil cannot be used because it turns into mud – need soil with gravel in it.

Mr. Collins asked if there is still an investigation going on in Greene County (Earlton). Mr. Liotta replied no – it is not ongoing but there had been one; material that had been brought in was unsuitable for fill. Mr. Liotta explained that the property owner had purchased the fill from him but Mr. Liotta's company did not transport it to the site, the material was picked up but it was not put where the permit stated. He also stated that the issue was resolved on his end and does not know about on the owner's end.

No calls were received from the public.

Ms. Kunz stated that if the permit for the berm is approved then the next step (possible other special use permits) should be very important.

Mr. Harris: What does the berm do in terms of re-selling the property? Why put money into the berm if you are planning on re-selling? Mr. Liotta said it was not his intent yesterday to sell the property. What would the intent of the property be if there was no berm – could he operate on the property without the berm? Reply was yes. The berm would be a permanent structure – it would not be modified after it was built.

Ms. Tutay: Mr. Liotta wants to store materials; she assumes he would be selling those materials. Mr. Schmitt stated that this SUP is for the berm only not anything else.

Mr. Gonzalez: Is uncomfortable that the berm will be made using materials coming in from outside of our area. The property is zoned Residential/Agricultural, doesn't feel that the berm fits in that area. Planting trees could be done instead of a berm. Ms. Kunz agreed with Mr. Gonzalez

Mr. Gonzalez also asked if there was another way to get the same results without bringing in material from an unknown source. Mr. Liotta replied that the material is not unknown – it is his material, a processed product from his company – it's tested, engineer approved topsoil.

It's the same as what you can buy in a bag from Lowes/Home Depot. Mr. Gonzalez asked him why the berm is a good idea. He replied ask my neighbor, it was his idea; it's basically between the two of them and agreeable to both of them.

Mr. Collins asked about the two colors of the dirt. Mr. Liotta explained one color is the topsoil, other one is the compost. Combination of the two is needed.

Mr. Collins asked Mr. Liotta about neighbor purchasing the property. Mr. Liotta said yes he had talked to him but was not going to discuss it with the Board. Mr. Collins said that he had just gotten off the phone with the neighbor and Mr. LaCosta does not agree with that statement regarding property purchase.

Mr. Brick stated that the Board could not take into consideration any conversation a Board member had; neighbor has not called here during the public hearing; is considered hearsay and can't be used. It is within the Board's jurisdiction to reach out to the neighbor. Mr. Schmitt asked the Board members if they want to hear what Mr. LaCosta has to say. All replied yes.

Mr. Schmitt made motion to adjourn tonight's public hearing and keep the public hearing open and re-convene the hearing on June 8; seconded by Mr. Nolan; all in favor.

Board members will do a site review on June 1 at 6:00 p.m.

Dylan and Kara Proper 20-004SD: An application for a minor subdivision on property owned by them located on Joanna Circle, Coeymans Hollow, Tax Map #141-2-14.3. The 1.90 plus or minus acres will be subdivided into two parcels. Parcel A to be 0.745 plus or minus acres and will be merged with Tax Map #141-2-24.2 (lands of Mahaffey). Parcel B to be 0.745 plus or minus acres -and will be merged with Tax Map #141-2-14.2 (Proper's Jacob Lane property), totaling acreage to 5.72 plus or minus acres.

Applicants were not present. Ms. Hopkins made motion to open the public hearing; seconded by Mr. Schmitt; all in favor. Discussion included:

- It's a simple minor subdivision. In some Towns it is considered a lot line adjustment.
- 239 had been sent to Albany County Planning Board; their recommendation was to defer to local consideration.
- Maps were completed by Mr. Hite.

The Board addressed other items on the agenda and then returned to the Proper public hearing.

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

Discussion resumed:

- Albany County Planning Board's recommendation was defer to local consideration.
- Site review was not needed
- Short environmental form was completed

Mr. Schmitt made motion to declare this as an unlisted action and a negative declaration re SEQRA; seconded by Ms. Kunz; all in favor.

Mr. Nolan made motion to approve the minor subdivision with the condition upon the lots being merged as proposed on the map and application; seconded by Mr. Collins; all in favor.

Site Plan Review

TenEyck B. Powell III - Summit Ridge Energy 20-002 SPR: An application for a site plan review regarding Powell Solar located at 87 Bronk Road, Selkirk, Tax Map #156.3-1.1

Applicant was not present. An independent review will be done. Ms. Parker from Summit Ridge Energy submitted budget confirming amount and details. We are waiting for the finalized revised application. The Town Board scheduled a public hearing on May 28 on the proposed solar law.

The Board members had no questions, concerns or comments. Application will remain on the agenda for the June 8 meeting.

Subdivision – Informational

Marc Tryon: Application for a two lot subdivision located at 779 Blodgett Hill Road.

Discussion was held and included: Subdivision looks straight forward; it's in Residential/Ag District; total is 149 acres; meets the requirement to subdivide. Board members had no questions/comments/concerns. Mr. Gonzalez recused himself from discussion because he is

related to the applicant. When applicant receives maps the application will be placed on the agenda.

Adjournment

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