

TOWN OF COEYMANS PLANNING/ZONING BOARD MEETING
June 8, 2020

Attendees

Members Present: Mr. Schmitt, Ms. Hopkins, Mr. Gonzalez, Mr. Harris
Mr. Nolan, Ms. Kunz

Members Absent: Mr. Collins, Ms. Tutay

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

Public Present:

Call to Order/Pledge of Allegiance

Meeting was called to order by Mr. Schmitt at 7:00 p.m. There was a quorum – one board member and the alternate member were absent. Mr. Schmitt led the Pledge of Allegiance. Mr. Schmitt read the public notices for the Mahoney and Biers public hearings and provided the phone number for the public to call for comments/questions.

Approval of Minutes

Mr. Schmitt made motion to approve the minutes of May 27, 2020; seconded by Ms. Kunz; 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 opened the public hearing.

Mr. Schmitt read letter into the record from David Stacey dated May 27, 2000, regarding approval for proposed landscaping business/accidents in that section of Route 144. Mr. Liotta responded that he is not applying for a landscaping business. He had some deliveries to his property but they were not involved in any accidents.

Ms. Kunz asked if Site Plan checklist had been completed; checklist is not needed; site plan had been completed and submitted.

Mr. Schmitt read into the record letter from neighbor Robert LaCosta dated June 5, 2020, stating that he is not opposed to the berm remaining there since its already there but he is

against a special permit being secured by the applicant that can get passed down to the next owner of the property.

No calls were received from the public. Mr. George McHugh (Town of Coeymans taxpayer and resident) commented on Mr. LaCosta's letter; he feels it makes no sense to leave the berm then approve the permit; it defeats the purpose of the permit.

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

Mr. Schmitt read Albany County Planning Board's recommendation to modify local approval to include: (1) Notice of Intent filed with NYS Dept. of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented or submission of a SWPPP that is consistent with the requirements in NYSDEC SPDES permit for construction activities that disturb more than one acre of land; (2) Town needs to clarify past and intended future disturbance to determine whether a Construction Activity Permit is required; wetlands should be delineated on site plan and corresponding regulatory agency notified. Wetlands disturbance requires notification to and review of Army Corps of Engineers; (3) Notify NYS DOT for review of drainage to River Road and any potential impact on the State right-of-way; (4) Given proposed length and height of the berm, berm should be designed and engineered by a licensed professional. Also included was an Advisory: (1) Town should clarify the intended use of the parcel by property owner. Neighbor should submit request for the berm in writing and Town should verify if stated objective can be fulfilled with less substantial disturbance; (2) Contact Regional Permit Engineer for NYSDOT to review line of sight and potential traffic impacts on state route, especially during berm's construction.

Mr. Schmitt and Mr. Brick explained the ACPB process. Planning/Zoning Board can proceed with the ACPB's recommendation or vote by super majority to supersede the recommendations but cannot pick and choose the recommendations; has to be all or none. If Planning/Zoning Board supersedes ACPB's recommendations, they still have to provide the ACPB with an explanation as to why they went against those recommendations.

Mr. Schmitt read into the record an e-mail dated April 22, 2020 which Peter Buck (DEC) sent to Mr. Cashin. He stated that Mr. Liotta does not need DEC approval for the construction of the berm as long as the material being imported is uncontaminated soil and/or compost from a DEC authorized facility.

Site Review was done on June 1, 2020. Mr. Brick advised the Board that if they decided to utilize any of their observations or opinions derived from the site visit as a basis for their decision, they need to state them on the record so that they become part of the record prior to utilizing them for their vote. Mr. Schmitt commented that they didn't go to the back of the property; only saw where the berm is proposed to be located.

Mr. Gonzalez stated that a lot of junk has been removed and it looks cleaner; he commended Mr. Liotta for that. During the site visit they looked at neighboring properties; from their

driveways the berm is visible now. In winter it will be very visible; berm does not seem to block view from the Thruway; it felt like an industrial site; berm will be a serious project; if he was a neighbor he would be concerned; material for driveway was very good.

Mr. Schmitt stated that the site is zoned RA. Berm is not a permitted use. He questioned if Board has enough information to move forward; Board has 62 days to render a decision.

Ms. Kunz: It's an RA district with one family homes; it's family oriented area; many residents ask what are they hiding behind the berm.

Ms. Hopkins: Why is it so important to have the berm? Mr. Liotta responded it's for the original reason: blocks area from neighbor. She also asked what are the future plans? Mr. Liotta replied bring property into compliance/finish cleaning up and then sell the property. If he can get what the property is assessed for, he'll sell it. Mr. Liotta stated that if the outcome doesn't work for him he may have to go to the step – hire a lawyer.

Board asked Mr. Brick for suggestions. Mr. Brick clarified a few things to help with deliberations. Board will meet with Mr. Brick (attorney/client privilege) after the conclusion/adjournment of tonight's meeting. The SUP will be put on the agenda for June 24.

William Biers 20-001 SPR: An application for a site plan review on property owned by him located at River Road, Coeymans, NY, Tax Map #156-4-8.2, leveling land and filling in slopes on the property as well as proposed additional warehouses

Mr. Biers was not present; Mr. Peter Yetto from Ingalls and Associates was present representing the applicant. Mr. Yetto gave an overview of the project which includes a storage/maintenance building and a 16,000 sq. ft. C&D transfer station. Discussion was held and included:

- Fill material will stay outside of any flood plain and will not be restricted fill
- Berms and landscaping are planned along Route 144; berm will be the same type as across the street, six feet high with plantings on top
- Property drops off gradually to the back
- Property is 70 acres
- Warehouses will be metal structures
- Parking depends on the tenant of the building; at this time they have no idea who the tenants are
- There will be two entrances and exits; one already exists
- There is currently no electricity at the site; will have to be brought in by utility company
- Coeymans Creek separates this property from the Coeymans Industrial Park.
- Wells: one for each structure.

Mr. Harris made motion to close the public hearing; seconded by Mr. Gonzalez; all in favor.

239 response has not been received – ACPB meets on June 18. Table application until next meeting; Mr. Biers will be asked to attend.

Discussion was held re transfer station: Mr. Brick explained that if Mr. Cashin determines a transfer station is an allowed use in the Industrial Zone, applicant can submit that as part of their site plan application. However, per Town Code a transfer station in the Town of Coeymans can only legally process C&D material that is generated in the Town of Coeymans or outside New York State.

Joan Mahoney 20-001 SD: An application for a major subdivision on property owned by her located on Copeland Hill Road, Coeymans Hollow, Tax Map #130-2-20. The 93.60 acre parcel is to be subdivided into five lots. Lot A to be 2.00 plus or minus acres; Lot B to be 2.04 plus or minus acres; Lot C to be 2.45 plus or minus acres; Lot D to be 3.37 plus or minus acres; remaining lands to be 83.74 plus or minus acres.

Mr. Schmitt opened the public hearing. No calls were received from the public.

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

Mr. Schmitt read Albany County Planning Board recommendation to modify local approval to include: (1) Town should ensure property owner is aware of regulations or construction activities that disturb land greater than one acre; (2) Town should ensure property owner is aware a highway work permit is required by Albany County DPW for driveway construction, drainage and public utility connections within County right of way; (3) Location of wells and septic should be evaluated by Albany County Dept, of Health as part of the subdivision. An advisory was also included: Proposed driveways are on the inside of a curve. If sight distance is less than 405 feet, subdivision should be altered so new driveways will have that much sight distance. County site plan approval and Highway Work Permit will be contingent on these amendments.

Short environmental assessment form has been completed; classify project as an unlisted action. Mr. Nolan made motion that there is no negative environmental impact; seconded by Ms. Kunz; all in favor.

Mr. Schmitt made motion to approve the major subdivision with the Albany County Planning Board's recommendations added on the final maps (Mr. Schmitt will come to the Building Department to sign those maps); seconded by Mr. Nolan; 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

Tabled until June 24, 2020 meeting

Miscellaneous

Mr. Cashin shared information about a subdivision which occurred in 2007: a sliver of land was subdivided from an adjacent parcel. An investor purchased the property, hired a contractor to renovate the house but the house caught fire and burned to the ground. The owner wants to sell the property but cannot get a clean title on the property. There is a problem with some of the financing done by the previous owner. The owner is proposing subdividing the sliver of land; this would require a variance by the Board to lot size and road frontage.

There was discussion about the precedent of creating substandard lots, setting a bad standard. There is nothing the Board can do now; Board is under no obligation until an application is filed.

Adjournment

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