

TOWN OF COEYMANS PLANNING/ZONING BOARD MEETING
July 13, 2020

Attendees

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

Members Absent: 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 absent. Mr. Schmitt led the Pledge of Allegiance.

Approval of Minutes

Mr. Schmitt made motion to approve the minutes of June 24, 2020; seconded by Mr. Harris; all in favor.

Report of the Building Inspector – None

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

Summit Ridge submitted their last revision of site plan. Chris Otness from Summit Ridge Energy and Bill Trembath from Fisher Associates were present. Mr. Otness did a presentation of the project. Discussion was held and included: construction will take five or six years; access roads will consist of compacted gravel; panels will be motorized – will turn in relation to the sun; a decommissioning plan will be in place; fencing will be seven feet tall; minimal lighting; panels will be located on both sides of Route 144 – will be connected via overhead wire; pilot agreement (payment in lieu of taxes); maintenance will be sub-contracted.

Mr. Nolan made motion to declare the Planning/Zoning Board as lead agency; seconded by Ms. Kunz; all in favor. Interested parties (including County IDA, DEC, Army Corps of Engineers, NYS DOT, NYS Thruway Authority, Public Service Commission, Department of State) will be notified of lead agency status and have 30 days to respond.

Mr. Cashin will send information to our consultant and ask him to be prepared to make a presentation at the next Planning/Zoning Board meeting on August 10, 2020.

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 to provide Albany County Planning Board with information. Application will be presented at ACPB meeting scheduled for Thursday.

Town Board scheduled a public hearing on July 23, 2020 re transfer station and had submitted information to the ACPB.

Special Use Permit

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. Schmitt stated that this application has been discussed at great length, public hearing had been held and closed, and the Board has made their decision. Mr. Schmitt read into the record the Board's findings:

"Applicant is requesting a Special Use Permit to construct a large berm upon his property located in the R-A District. There is testimony from the applicant that the berm is being proposed to act as a visual buffer for the benefit of a neighboring property owner based upon discussion the applicant had with the neighbor. Correspondence from the neighbor submitted to the Board states that he is not seeking a berm be placed upon Mr. Liotta's property.

Despite numerous opportunities to present his case including a public hearing and multiple Board meetings, the applicant failed to present evidence or testimony as to how his application for a Special Use Permit meets the standards required to obtain a Special Use Permit as contained in Town of Coeymans Code Section 165-9(E). Specifically, the applicant has failed to demonstrate how the proposed berm will be in harmony with the orderly development of the district as required by Section 165-9(E)(1). Further applicant provided no evidence or testimony that the berm would not be more objectionable to nearby properties than would be use of the property without the berm. The applicant also failed to show that the berm would not discourage the appropriate development and use of adjacent land and buildings or impact the value thereof. The berm as proposed is exceptionally large and out of character in a residential zone. Applicant provided no evidence as to how such a large berm would be in harmony with the orderly development of the residentially zoned area where it is proposed. Each of these elements are required standards that must be demonstrated in order to obtain Special Use Permit under the Town's Zoning Code. Failure to demonstrate any of these requirements is by itself grounds for denial of the application. The burden to provide evidence and testimony

sufficient to satisfy the standards set forth in Coeymans Town Code Section 165-9 rests solely upon the applicant. Applicant failed to meet this burden.”

Mr. Gonzalez made the motion that the application of Victor Liotta for a Special Use Permit to construct a 15’ by 20’ berm located at 1616 River Road in the Residential-Agricultural Zoning District is hereby DENIED based upon the Findings set forth herein and adopted by the Board; seconded by Mr. Harris; all in favor.

Mr. Liotta will be given a copy of the decision.

Mr. Liotta asked what the Board wanted him to do with the material on the site. Mr. Cashin (as Code Enforcement Officer) stated that it depends on what Mr. Liotta wants to do. Mr. Liotta will put together a plan to be presented to Mr. Cashin.

Adjournment

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