

TOWN OF COEYMANS PLANNING/ZONING BOARD MEETING  
June 14, 2021

Attendees

Members Present: Mr. Schmitt, Mr. Nolan, Ms. Hopkins, Ms. Tutay, Mr. Boomer, Mr. Collins, Mr. Harris, Mr. Gonzalez

Members Absent:

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

Public Present:

Call to Order/Pledge of Allegiance

Meeting was called to order at 7:00 p.m. There was a quorum – all members present. Mr. Schmitt led the Pledge of Allegiance. Mr. Schmitt read the descriptions for the public hearings.

Approval of Minutes

Mr. Schmitt made motion to approve the minutes of May 26, 2021; seconded by Mr. Nolan; all in favor.

Report of the Building Inspector

Mr. Cashin reported that Mr. Whalen could not attend tonight's meeting; Whalen Sketch Plan Conference was postponed until the next meeting. Mr. Cashin also reported that Mr. Laraway has withdrawn the applications for the area variance, use variance and site plan review for 1642 River Road.

Public Hearings – Mr. Schmitt opened the public hearings and provided the phone number (518-756-6006 ext. 3) for the public to call in.

**William Horton 21-0001 INT:** An application for an appeal for the issuance of a building permit for a pole barn on property owned by **Dylan and Kara Proper** on Jacob Lane, Coeymans Hollow, NY, parcel #141-2-13.

Mr. Schmitt asked those who wished to speak to limit their comments to three minutes. Mr. Brick stated that in terms of structure, the order for speaking should be: appellant, Mr. Cashin, property owner can comment; after hearing from those three then open for public comment.

Mr. Horton authorized a proxy (his neighbor Rebecca Ross) to speak for him and she provided his information. They are appealing to the Coeymans Planning/Zoning Board to revoke or

rescind the building permit issued to Dylan Proper/Hidden Hollow Farms for construction of a pole barn on Jacob Lane in Coeymans Hollow for the following reasons:

The area is zoned Residential/Agricultural. In spite of Mr. Proper's denials this building is intended to support a commercial venture, to wit Hidden Hollow Farms NY a hunting or shooting preserve. Mr. Proper has told his neighbors and Town officials that he will not be seeking a zoning variance since Hidden Hollow Farms is not a commercial venture. Yet, his Facebook page contains language that would indicate otherwise: for example, the \$ signs on the shooting and hunting; the price range and \$ signs; the continental tower shoot – ask for price; the European driven style shoots – ask for price. He expressed to all of those gathered neighbors and Town officials that he was premature in posting the Facebook page. Which begs the question: premature to what? Mr. Proper stated that he possesses the necessary Class A NYDEC license to operate a shooting preserve. The Class A license is for a commercial hunting preserve not a family hunting preserve. He could have gotten a Class B but chose a Class A commercial. As stated in an objection filed earlier to the building permit, this structure will be largest in the area and of steel wall construction inconsistent with the several homes and out buildings on adjacent properties or otherwise nearby.

Mr. Cashin, Building Inspector: Stated that he had never heard of Hidden Hollow Farms. Mr. Proper came to him with an application on a separate lot owned by them. When he issues a building permit he has to look at several things: setbacks to lot lines, building height, percentage of lot coverage, and a set of plans for a building. He has all of those things from Mr. Proper. Issuing a building permit is not objective; it's administrative. When provided with all of those things he has to issue the building permit, which he did. He explained that size of the building has no bearing on the application; it's based on a percentage.

Mr. Mark Wagner (Mr. Proper's attorney): He distributed copies to the Planning/Zoning Board members of a section of the tax map parcel delineating the five acre parcel on which the pole barn is to be constructed. The parcel is owned by the Propers. There is a contiguous parcel (Hidden Hollow Farms) owned by them but has nothing to do with the application.

Mr. Wagner wants the board to affirm Mr. Cashin's decision. The parcel is zoned R/A in which permitted accessory use is a barn. Therefore the proposed construction improvement meets the permitted use in this zone; setbacks are code compliant; they are going to store personal equipment (tractor, dump trailer, landscaping equipment) – pole barn will not be used for anything commercial in nature. Not relevant to this but he stated the Facebook page was premature; it was used to seek out if there was any interest in a hunting preserve on the other parcel; no interest was shown; Mr. Proper was asked to take it down, which he did. Mr. Wagner has reviewed all of the appeal forms and they are all about the use of the barn. There was an e-mail from Tom McHaffey of 11 Joanna Drive who provided a sole basis for the appeal: assumption that this building permit will be used in support of hunting services business. Mr. Wagner requests that Mr. Cashin's decision be affirmed.

Public Comment:

David Ross, Amber Circle: There is a lot more to the story; Proper talked about what he wanted to do – make a deer hunting preserve farm; blatant attempt to change this area to commercial. Residents formed a committee – Alcove Good Neighbors Association. Facebook page for Hidden Hollow Farm LLC showed hours of operation and “call for prices”. The building will be a welcome center and there is a spot for a parking lot. Class A NYS license is for commercial; Class B is for friends of family (recreational). Mr. Ross tried to purchase the property it borders; agreed to sell him half; half acre was senseless for them to buy. Excavation: grade was taken away which will cause runoff. Is there a permitted need to change the grade?

Mr. McHaffey questioned the excavation. Mr. Cashin explained it was in association with a building permit. Mr. Brick provided specifics of Section 165.10 and 165.10 R Excavation and what is allowed outside of a building permit; restricted to two feet without a building permit.

Mr. Ross: Building permit can be revoked; should board reverse issuance of the building permit; was it properly issued; excavation was done before the permit was issued.

Mr. McHaffey: Was given property by Mr. Proper; survey was paid for; no transaction for the property. He stated that Planning/Zoning members were elected to follow the rules of this Town. Mr. Schmitt explained that the members are appointed, not elected.

John Baluzy, 416 Lindskoog Road: Quiet neighborhood, nice place to live. Why not put the pole barn on the 85 acres on Jansen Road where his house is; landscaping equipment is for commercial.

Howard Amsler, 329 Lindskoog Road: Has been a resident since 1996; thanked the board for taking the time to listen to them. Stated that people drive too fast on that road. For the future: accessory use not to be built unless the residence is on the parcel. A building of that size is appalling; put it on the 85 acres not on the five as long as it does not affect the land owners.

David Falk (Aimee Rodney), 509 Lindskoog Road: His property is adjacent to Hidden Hollow Farm. He bought the property in 2009; it’s serene; he has good neighbors. This changes the entire top of the hill. He is concerned about the barn itself – it’s a Trojan horse. Adjacent land is owned by Mr. Proper; it could be a future use of Hidden Hollow Farm. DEC permit: it is up to the Town to approve the use of the land under that license – needs to get permission from the Town – did he do that? There are many trails through the property that go into their property line; concerned for the safety of themselves, neighbors and pets.

Dan Persay (representing 45 Pine Ridge Road – Lockwood and Boone): Accessory use definition, residential accessory use: how do you grant an accessory when no use is tied into it; permit did not meet the definition of the accessory use. Wants building permit to be vacated.

Rebecca Ross, Amber Circle: Revoke the permit. Intent is to commercialize the area. She has personal concerns. She requested FOIL for the building permit. June 20, 2020 requested an LLC for Hidden Hollow Farm on the NY County Registry. December 20, 2020, he purchased the building. March 2021 requested building permit. April 3, 2021 Facebook page was opened, marketing the hill – turning into a commercial enterprise. Letter from Mr. Proper to John: apologizing for gate on a town road; put up cameras; moved the gate to Jacob Lane; existing gate will be moved as requested. He does what he wants; put up a barn without a permit. She has personal concerns: everything is natural; 80x36 steel building is 150 feet from their property; doesn't fit in; could diminish home values; could call PETA. Given his history it should not stand. May 10 no application was put on the record – was on the agenda for information only; Proper was not present. May 26 – not going to be utilizing a use variance. At a meeting Mr. Proper attended with all of them he said when he retires he wants to go commercial. Mr. McHugh and Mr. Baker also attended that meeting.

Ron Wolfe: 354 Lindskoog: quiet, no issues since he lived there for 38 years; need all the criteria; not fair to all who live there; gunshot noise; permit was issued in good faith; not on his residential property.

Mark Korzon, 30 Pine Ridge Road: lived there for 17 years – wants to keep it an excellent community.

Ken Mueller, 306 Lindskoog: There have been a lot of changes over the years; he's a sportsman, owns property on Mueller Road; is against commercialization in that area; quiet area – wants to see it stay that way. The building permit is for the board to decide.

Carl Lockwood and John Boone, 45 Pine Ridge: Likes the smallness of the community; wants to have family there. Where is the home? What is the equipment going to be used for?

Marleen McTigue: Asked who does the enforcement? John Cashin does. What would be the next step: No C.O. would be issued; doing it at his own risk before the board approves it.

Mr. Wagner: Appreciated comments from the public.

The Planning/Zoning Board discussed whether to keep the public hearing open or close it tonight. They also discussed a site visit to the area.

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

Mr. Horton had concern about the character of the neighborhood and notification of property owners. Character of the neighborhood is not involved in this case and there is no provision in State law or Town law for notification in this case.

The Board has some questions which need to be addressed/answered before they make a decision. Mr. Brick will do research and will provide information to the Board before the next meeting.

**Coeymans Recycling Center LLC 21-004 SD:** An application for a minor subdivision on property owned by them located at 167 Coeymans Industrial Park Lane, Coeymans, New York, Tax Map #156.4-6.13. The 8.2 acre parcel is to be subdivided into two lots: Lot #1B is to be 3.4 plus or minus acres and the remaining lands will be 4.8 plus or minus acres and will be merged with Tax Map #156.-4-6.171 (Lot #1F) for the expansion of the Curaleaf Building.

Mr. Gonzalez made motion to close the public hearing on CRC; second by Tutay; all in favor.

Mr. Nick Laraway was present.

ACPB held a special meeting. Their recommendation was to modify local approval to include: (1) Notification to be sent to Village of Ravena and (2) Notice of Intent filed with NYS DEC affirming that a SWPPP Plan has been prepared and is being implemented and submission is consistent with requirements included in SPDES General Permit.

Mr. Nolan made a motion to declare unlisted action and a negative declaration under SEQRA; seconded by Ms. Tutay; all in favor.

Ms. Tutay made motion to approve the minor subdivision; seconded by Mr. Nolan; all in favor.

#### Use Variance

**Kathleen Palmer LLC 20-002 ZUV:** An application for a use variance on property owned by her at 11 Second Street Coeymans, NY, Tax Map #168.12-2-8. She is requesting a use variance to turn the first floor of the existing garage into a bagel shop.

Ms. Palmer was present. Discussion was held and included:

- She has owned the building for five or six years.
- First floor garage is empty
- Street is a one-way street; parking nearby
- Will not be baking bagels on premises – she'll purchase them
- Would be open 6:00 a.m. to 2:00 p.m.
- 239 will be need to be sent to Albany County Planning Board
- Public hearing needs to be scheduled

Ms. Tutay made motion to schedule public hearing for July 12; seconded by Mr. Collins; all in favor.

Mr. Brick mentioned the Town moratorium on actions altering current zoning; he will check into it; might not be able to act until moratorium is over.

Adjournment

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