

TOWN OF COEYMANS PLANNING/ZONING BOARD MEETING
August 25, 2021

Attendees

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

Members Absent: Mr. Boomer

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

Public Present:

Call to Order/Pledge of Allegiance

Meeting was called to order at 7:00 p.m. There was a quorum – one member absent. Mr. Schmitt led the Pledge of Allegiance. Mr. Schmitt read the public notice for the Horton public hearing.

Approval of Minutes

Mr. Schmitt made motion to approve the minutes of August 9, 2021; seconded by Mr. Nolan; all in favor.

Report of the Building Inspector

Mr. Cashin reported that the Entrott public hearing did not get noticed in the paper in time for tonight's meeting. Mr. Cashin notified Mr. Entrott that the public hearing would be held on September 13, 2021.

Public Hearing

William Horton 21-001 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 opened the public hearing and provided the telephone number for the public to call in their comments. He asked if anyone present wanted to speak; no one did.

Mr. Horton was present and reiterated what he said at the last meeting. He is appealing the Code Enforcement Officer's decision to issue the building permit for a pole barn. The appeal application states "Construction of this proposed structure is opposed by every person who owns property adjacent to the Dylan Proper land, as well as most other property owners on Linskoog Rd. and in the surrounding area. This structure is entirely inconsistent with the

character of the neighborhood, being of steel-wall construction among the log homes on three adjacent properties and will be largest structure in the area."

Mr. Horton made the following statements: "Mr. Proper now presents himself as a chicken/beef/pig farmer which is only a pretense to file this permit under an agricultural qualification; he has already shown his disregard for Town rules by erecting one pole barn without a permit and leveling an entire hillside 12 to 14 feet without the required permit to do so. But now, in spite of an outstanding objection filed before this Board, he has gone ahead and built the barn out of arrogance with complete disregard for this Board's authority or process in place by which the citizens of this town can seek redress that will allow it to see through this charade for what it is: a means to get his building built so he may proceed with his ultimate endeavor of a hunting preserve. We appeal to sense of community that we hope this Board embodies. Assuming hypothetically that this permit is allowed to stand and the building stays put, and we are at some point in the future where Mr. Proper wants to start the shooting business in earnest, we imagine he will need a use variance of some sort. Is it conceivable that this Board at this time could suggest that such variance would not likely be allowed since this Town, at large, would not view the wholesale slaughter of captive livestock favorably? There is a petition on record from the last meeting signed by residents of the Lindskoog Road area opposing this construction. Mr. Horton further reminded the Board that Mr. Malphrus and Mr. Kryskowski started out by choosing which Town regulations, if any, they would adhere to. Coeymans can ill afford another Malphrus or Kryskowski in our midst, Please forestall this now by revoking this permit."

Mark Wagner spoke on behalf of Mr. and Mrs. Proper. Based on appeal before this Board, it is strictly limited to whether it complies with the zoning. The Propers complied with all the building codes and regulations. This property is in the residential/agricultural zone and an accepted principal use is general farming. Pursuant to the narrative that the Propers have provided as part of the building permit application to build a pole barn to support the raising of poultry and storing equipment to maintain the surrounding fields, it is proper to have a pole barn as an accessory use under the zoning code. He requested the Board to affirm Mr. Cashin's decision to issue the building permit.

Ms. Tutay asked for clarification regarding the pole barn: is the building permit for another building or is the pole barn "the" building. Mr. Cashin explained the pole barn is the building the permit was issued for and explained that the term pole barn is based on the way the building is constructed – there are different sizes of pole barns.

Question was asked what happens to the building if the building permit is revoked? It would have to be removed.

Mr. Korzon, residing at 30 Pine Ridge Road, asked: On the permit is he permitted to put electric in the building? Yes. He also asked where is the well going to be located? The Albany County Health Department would determine that. Mr. Proper would need to work with the Building Department regarding any other structures.

Ms. Hopkins asked: If he goes ahead, what happens? He would have to come back before the Board for a use variance.

Mr. Cashin stated that Mr. Proper provided him with enough information for the building permit to be issued.

Mr. Horton asked to speak again. He was curious about the notion that this is or will be a farm. A satellite view of this area indicates it is completely wooded; Mr. Proper would have to clear cut the forest, there is no pasture land, it is all rock. The notion that this is a farm about to happen is very vague. If the farm is going to be a good distance from Jacob Lane, why build the barn as you come in off Jacob Lane – unless it is the welcome center for the shooting preserve. He feels a barn that size is not needed to support the small amount of livestock. He is curious as to why the barn had to go there.

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

Planning/Zoning Board discussion was held and included:

- It is not the Board's job to guess as to the future; can only decide on the building permit.
- Building Permit was requested; requirements were met; permit was issued; pole barn materials were delivered; pole barn was built; Board needs to make a decision based on the evidence.
- Mr. Cashin made a determination that the application met the building and zoning codes. The only grounds to reverse the decision to issue the building permit is if he made an error. There is no evidence that he made an error. There are no grounds for Board to revoke or overturn that decision.
- Sense of community – it doesn't matter or come into play.
- Use variance test is very hard and difficult to obtain a use variance "self created hardship".
- Concern, presumption, suspicion may be valid but not a reason to overturn a building permit.
- Board members are not in favor of a commercial use.
- Character of the neighborhood is not part of the building permit application and the zoning code; no basis for adding character of the community to building permit; it would be included in a site plan.

Mr. Schmitt made motion that the Planning/Zoning Board deny the appeal and affirm Mr. Cashin's decision to issue the building permit; seconded by Mr. Nolan; all in favor.

Area Variance and Subdivision for Entrott:

James Entrott 21-007 ZAV: An application for an area variance on property owned by him located at 1638-1642 US 9W, Coeymans, NY, Tax Map #144.-1-17. He is requesting a 10' relief to the 100' lot width requirement.

James Entrott: An application for a two lot subdivision on property owned by James Entrott located at 1638-1642 US 9W, Tax Map #144.-1-17.25 acres to be divided into two lots. Lot #1: 1.25 plus or minus acres and Lot #2 to be 1.25 plus or minus acres.

239 applications for both applications had been sent to the Albany County Planning Board.

ACPB's recommendation was received for the area variance, which stated: Modify local approval to include: The Albany County Planning Board recommends that the Town should request the applicant to pass the overall state statutory test to demonstrate any "unnecessary hardship" before granting the area variance. Discussion will be held at the next Planning/Zoning Board meeting on September 13, 2021.

ACPB did not send recommendation for the subdivision; they didn't want to discuss it until this Board ruled on the area variance first. Discussion to be held at our September 13th meeting.

Subdivision

Stanton Legacy Farm LLC 21-005 SD: An application for a two lot subdivision on property owned by Stanton Legacy Farm, LLC, located on Biers Road, Tax Map #131.-3-5.24. 135.4 acres to be divided into two lots: Lot 1 to be 49.1 plus or minus acres and Lot 32 to be the remaining 86.3 plus or minus acres.

Albany County Planning Board's recommendation was received. Their recommendation was to defer to local consideration: This board has found that the proposed action will have no significant countywide or inter-municipal impact. They also had an advisory: The site plan does not show boundaries of both of the proposed lots.

Motion was made by Ms. Hopkins to classify this minor subdivision as an unlisted action and declare negative declaration; seconded by Ms. Tutay; all in favor.

Mr. Gonzalez made motion to approve the application for the two lot subdivision; seconded by Ms. Tutay; all in favor.

Sketch Plan Conference

Two Lot subdivision – Paul Osterhout, Gedney Hill Road, Tax Map #166.-3-40.3: Lot #1 to be .46 plus or minus acres and Lot #2 to be 10.78 plus or minus acres.

Applicant was not present; Mr. Cashin provided the Board with maps completed by Mr. Hite. Discussion was held, including: This is a substandard lot which has to be merged with another lot; Mr. Hite should include note on the map: conditioned upon Lot 1 to be combined with lands of Wickham property; application has to be sent to Albany County Planning Board.

Subdivision will be placed on next month's agenda.

Adjournment

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