TOWN OF COEYMANS PLANNING/ZONING BOARD MEETING

May 9, 2022

Attendees

Members Present: Mr. Nolan, Mr. Collins, Mr. Pietropaoli, Mr. Gonzalez, Mr. Boomer, Mr. teRiele, Ms. Grogan

Members Absent: Ms. Stanton

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

Public Present:

Call to Order/Pledge of Allegiance

Meeting was called to order at 7:00 p.m. There was a quorum; alternate board member absent. Mr. Nolan led the Pledge of Allegiance. Mr. Nolan read the public notice for the public hearing.

Approval of Minutes

Mr. Pietropaoli made motion to approve the minutes of April 27, 2022; seconded by Ms. Grogan; all in favor.

Report of the Building Inspector - None

Special Use Permit

**Frederick Allen 22-002SUP**: An application for a Special Use Permit for a one-quarter acre pond located at 3 Beck Road, Tax Map #177.-1-65.

Mr. Allen was present. Discussion was held, including:

* Pond will be stocked
* Technically this is a request for excavation per Section 165.10 – any change to grade more than two feet requires a special use permit.
* Will need a 239 to be sent to Albany County Planning Board (it’s 500 feet from a County Road). ACPB’s next meeting is May 26.

Mr. Nolan made motion to declare Planning/Zoning Board lead agency; seconded by Mr. Collins; all in favor.

Mr. Gonzalez made motion declare negative declaration; seconded by Ms. Grogan; all in favor.

Mr. Collins made motion to schedule public hearing for June 22, 2022; seconded by Mr. Gonzalez; all in favor.

Mr. Allen objected to the public commenting at public hearing. Mr. Brick explained the process and explained that the Planning/Zoning Board does not make the rules. Mr. Brick suggested that Mr. Allen contact Mr. Chmielewski about what work he can start now that is within the Code. Planning/Zoning Board cannot act on the application until June 22.

Subdivision

**Tompkins Road Properties, LLC, 22-005SD**: An application for a two lot subdivision on the property owned by Tompkins Road Properties, 72.90 acres located on Blossom Hill Road, Tax Map #166.-2-32.1 to be divided into two lots: Lot #1 to be 14.28 plus or minus acres and Lot #2 to be 58.72 plus or minus acres.

Mr. Michael Stanton was not present. Maps were submitted and reviewed. Discussion was held. Property is in the R/A zone; minimum lot size is 100 feet in that zone. An area variance would be needed for 20 additional feet ; has 79.87 feet – needs 100 feet.

Mr. Stanton and Mr. Hite to be contacted. Before the Board can proceed applicant has to obtain an area variance.

Public Hearing

**George McHugh 22-0011 INT**: An application for an appeal for the Special Use Permit for Magic Forest Farms (22-001 SUP) located at 138 Bucks Ranch Road, Tax Map #141.-2-7.

Mr. Gonzalez made motion to open the public hearing; seconded by Mr. Pietropaoli; all in favor.

Mr. McHugh was not present but had submitted a letter to the Board. Mr. McHugh believes that the primary goal and purpose of Magic Forest Farm is to conduct a number of concerts on the subject property and that camping is secondary. Mr. McHugh feels that a use variance is needed, not a special use permit. A copy of his letter is attached to the minutes.

Mr. Ball and Joan Mahoney were present and provided background which included how the farm was established and how it evolved, including:

* Motorcycle races had been held on the site before they bought the property.
* In 2016 there was one site on the campground and in 2017 they added three more sites
* They operate an agra-tourist business
* Delay has caused a hardship; money had to be refunded.
* He has an insurance policy for vacation farm/campground vacation farm
* It’s a vacation farm not a music venue
* Only three and a half hours are spent at the music venue; keeps people interested
* Last year Mr. Ball was given an operating permit; four music events were held
* Ms. Mahoney stated that her issue is she was lead to believe it was okay to proceed like last year; no one had issues; rules have changed; unfair; they need to make more money; did well with 200 people venue.

Mr. Gonzalez stated that he took a look at the actual facility; people were camping; trails were marked and labeled.

The following members of the public provided comments:

Frederick Allen: He has known Jason Ball for a few years; he runs a top notch place.

Kevin Hunter: Question is not the farm, it’s the venue and noise; SUP for camping is fine but not the concerts.

Allen DeFazio: He is the original neighbor who had noise issue – music continued until 5:00 a.m. and started up again at 6:00 a.m.; they were affected which is why they had some concerns; concerned about infrastructure – will fields become parking lot; he’s all for the farm; a trailer had been hooked up to an electric pole – doesn’t want trailers.

Peter Hughes: He is concerned about the top of the mountain; water supply to the Alcove - sewage/dirty water runs into the creeks which run into the Alcove; doesn’t want concerts and campgrounds; community is not benefitting from this,

Meara McTague stated that she has known the owners for over ten years; she is a musician and artist; the work owners have been doing on the farm is amazing; she lives at the farm.

Ms. Mahoney responded that they contacted the Water Board who have been to the site; comply with Health Department – no problems. She explained that her stepfather had allowed the trailer to be there; it took her two years to get him off the land.

Victor Joyce: Magic Forest Fest was not put on by Magic Forest Farm; noise was a big issue.

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

Planning/Zoning Board members will meet with counsel and will have a decision for the next meeting. Mr. Brick asked Board members to send him any questions via e-mail before they meet with him.

Special Use Permit

**Jason Ball/Magic Forest Farms, 22-001SUP**: An application for a Special Use Permit for a festival located at 134 Bucks Ranch Road, Tax Map #141.2-7.

Mr. Boomer made motion to continue the special use permit for the festival at the May 25th meeting; seconded by Ms. Grogan; all in favor.

Adjournment

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