TOWN OF COEYMANS PLANNING/ZONING BOARD MEETING

February 13, 2023

Attendees

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

Members Absent:

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; full board members present. Mr. Nolan led the Pledge of Allegiance. Mr. Nolan welcomed Mr. Cinque, new alternate member.

Approval of Minutes

Mr. Pietropaoli made motion to approve the minutes of January 9, 2023; seconded by Ms. Grogan; all in favor.

Report of the Building Inspector – None

Site Plan Review

**Finke Enterprises, LLC. (23-001SPR)**: An application for a site Plan Review on the property owned by Finke Properties, LLC. Property is located at US Route 9W, Tax Map #144.-1-5.21.

Mr. Chris Boyea from Bohler Engineering, Don Flaco from Finke Equipment, and design engineer Matt Lessard were present. Mr. Boyea provided information/presentation on the plan for the property, which included:

* Finke had built a bigger facility in the Town of Bethlehem. They would like to expand on their property located in the Town of Coeymans.
* There is access to the property via the current road
* Property is zoned commercial.
* Want to start expansion with one 20,000 square foot building;
* in future they would like to build four additional buildings. They would be renting out the buildings; currently have no tenants; this would be a new venture for them.
* Tonight they wanted to get feedback tonight; will make any changes and then go forward with the approval process.

Discussion was held and included:

The use of the property would have to be one that is allowed by the Town. Mr. Nolan will have MJ Engineering look at the application.

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

The application will be placed back on the agenda for the next meeting. 239 will need to be sent to Albany County Planning Board.

Mr. Brick explained that the application will need to be deemed complete; no recommendation yet; he hasn’t had a chance to review the full EAP - needs to make sure EAP addresses the full build out over 10 years, can’t be segmented.

Mr. Boyea will continue to advance the plan and prepare for the next meeting.

Public Hearings

**Marebo, LLC (22-002SPR)**: An application for a site plan review located on property owned by Flach Properties, LLC. Property is located at US Route 9W, Tax Map #156.2-1.3 and 156.-2-1.6.

**Marebo, LLC (23-001SUP)**: An application for a Special Use Permit located on property owned by Flach Properties, LLC. Property is located at US Route 9W, Tax Map #156.-2-1.3 and 156.-2-1.6.

Mr. Nolan and Mr. Collins were recused. Mr. Brick stated that Mr. Cinque is an alternate member. He explained that, under the Town Code, in order for an alternate member to serve and participate in the meeting a few things need to be done: there needs to be a vacancy and then the Chair can appoint him into the role. The recusal of two members created a vacancy. Ms. Grogan (as acting Chair) appointed and welcomed Mr. Cinque to participate in tonight’s meeting.

Mr. Brick stated that on January 9, there was an informal discussion regarding the scheduling of the public hearing and it was decided that the Planning/Zoning Board would schedule the public hearing after the Town Board acted. The next scheduled P/Z meeting was to be held on January 25 but the meeting was cancelled due to the weather. We didn’t get together and were not in a position to confirm and pass by resolution scheduling the public hearing. Subsequent to the cancellation, Mr. Brick had advised Ms. Grogan that as Chair she had the ability to authorize Mr. Chmielewski to publish notice of the public hearing in the paper tentatively for this evening so that the applicant would not have to wait another month due to snow cancellation. Board did not act by resolution. Now at this time, the Board can ratify that the decision of the chair was legal. In the interest of transparency, Board has to do resolution to open the public hearing and to keep it open.

Mr. Boomer made motion to ratify the decision made by the Acting Chair and to open the public hearing; seconded by Ms. Stanton; all in favor, except Mr. Cinque who was opposed because he felt that it was improper procedure.

Ms. Grogan acknowledged (for full transparency) that Mr. Brick had sent her an e-mail regarding the scheduling of the public hearing; she then sent an e-mail to the other Board members (with the exception of Mr. Nolan and Mr. Collins).

Ms. Grogan read the notice of the public hearing into the record.

The public hearing commenced. Members of the public were invited to the podium. The following three people spoke:

Michael Biscone: He read part of a paragraph from the January 9th meeting minutes regarding public hearings: “Discussion was held regarding various meeting dates and timing for all that is needed to be done before public hearings can be scheduled.” He stated that Board members received in their packets tonight the application dated January 19 after the January 9th meeting. They have not accepted the application, have not ruled the application was complete. They then received, tardy to January 27 the special use permit application. He foiled both of those applications. The Code requires that they need to be filed concurrently. These applications being filed subsequent to the January 9 meeting would not have given the Board jurisdiction. The Board must follow procedure (Chapter 136.10 and 165.9) to accept an application for the site plan, have site plan review, and then set a public hearing, and act on that application and ratify after it has been done – can’t have a public hearing before that. There needs to be transparency – no time, no motion or acceptance of the application of the SUP. The Board is asking to ratify something after it has been done; there is no such provision in the Town Code that gives the Planning/Zoning Board that authority.

James Warren: Planning/Zoning Board is only ratifying the fact that public hearing was noticed; it was all above board. Public hearing is to gather information; let the Planning/Zoning Board do their work.

Stephen Schmitt: He stated that he is not here as a Town Council member but as a resident of the Town of Coeymans. There was a timeline for this application. On 11/21/2022 the Town Board issued a three-month moratorium and a local law to define other terminology in Chapter 165. On 12/8/22 the Town Board held a public hearing on the moratorium. Immediately following that meeting, on 12/9/22 Supervisor McHugh and Mr. Schmitt met with Mr. Long and chatted about how to make the application work for everyone. On 12/22/22, the Town Board proposed a local law to define trucking terminal as well as to create and define fuel distribution facility. On 1/12/2023 a public hearing was held for the proposed local law. On 1/26 the Town Board passed a resolution defining trucking terminal and also adding fuel distribution facility to the Town Code. As a resident he believes that Long Energy should proceed as planned with their site plan.

No one else from the public commented.

Mr. Brick stated that an issue has come up since January 9 that changes his opinion he had given re SEQRA that this could be an uncoordinated review, did not have to send to other agencies, and Planning/zoning Board could be the lead agency. Subsequent to the 1/9 meeting, he learned that the Town of Coeymans has been in indepth discussions with DEC regarding an alternate truck route that comes out of the quarry and ultimately would go past the property that is the subject matter of this application. That alternate truck route was part of a mining permit application that was being reviewed by DEC currently and there is a possibility that DEC may want to be lead agency if they believe that this particular application impacts that mining permit application as they review it.

Based upon that, Mr. Brick thinks he has to change his opinion: the safer course of action is to engage in a coordinated review under SEQRA, which would mean notifying other interested/involved agencies of the Planning/Zoning Board’s intention to act as lead agency; those agencies would have 30 days to respond. Those agencies could be DEC, State DOT, Albany County DPW, Village of Ravena and possible state entity that regulates or reviews propane distribution facilities (e.g. Office of Fire Protection Control). He feels the safer course of action is to switch to coordinated review. Mr. Brick explained that the applicant and their attorney are aware that he was going to bring this to the attention of the Planning/Zoning Board. He suggested that the P/Z Board pass a resolution declaring this to be a coordinated review and to continue the public hearing to 3/22. At that meeting they will have all the responses from the other agencies and the Board may be in a position to consider taking action on the application pending on how the public hearing goes. Mr. Chmielewski can republish it in the paper; Marebo will be re-opened and re-continued on 3/22. Mr. Brick will meet with Mr. Chmielewski tomorrow to compile a list of possible interested agencies.

Mr. Boomer made motion to declare this a coordinated review and to keep the public hearing open until 3/22 meeting to give interested parties time to respond; seconded by Ms. Stanton; all in favor.

Recused members re-joined the meeting.

Mr. Zackary Assael, who lives at 6 Fox Street. He wanted to make the board aware of Carver’s destruction of property by cutting hundreds of trees on Bronck Road. Property is zoned Residential. He believes that zoning on that property will be changed to Industrial to accommodate Carver Laraway’s businesses. He hopes that request is denied.

Adjournment

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