TOWN OF COEYMANS PLANNING/ZONING BOARD MEETING

October 10, 2023

Attendees

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

Members Absent: Mr. Collins, Mr. Boomer

Also Present: Mr. Keniry, 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; two members absent. Mr. Nolan led the Pledge of Allegiance.

Approval of Minutes

Mr. Pietropaoli made motion to approve the minutes of September 27, 2023; seconded by Ms. Grogan; all in favor.

Old Business

**Leonard Pilhofer (23-004SD)**: An application for a lot line adjustment on the property owned by Leonard Pilhofer. Property is located at 1018 Starr Road, Tax Map #132.-5.1

Mr. Nolan made motion for the Planning/Zoning Board to be lead agency; seconded by Mr. Cinque; all in favor.

Mr. Pietropaoli made motion to declare this a Type 2 action; seconded by Ms. Grogan; all in favor.

The 239 has been sent to Albany County Planning Board for their next meeting. Public hearing is not required.

Site Plan Review

**Finke Enterprises LLC (23-001 SPR)**: An application for a Site Plan Review on the property owned by Finke Enterprises, LLC. Property is located at 1597 US Route 9W, Tax Map #144.-1-5.21

The public hearing is open until October 25, 2023.

Finke Enterprises has sent a Notice of Appeal to the Planning/Zoning Board and Building Inspector dated October 6, 2023. Mr. Nolan explained that what the applicant is looking for in the appeals process is a determination re Local Law #9 which went into effect after the application had been filed. Previously, the Building Inspector applied that local law to the Finke application. Relief sought by the applicant is a determination by the Planning/Zoning Board that Section 165-6 does not apply to Finke Site Plan Application. Under Chapter 165.13 E the Planning/Zoning Board has the authority to make a determination.

Discussion was held and included:

Mr. Keniry stated that the applicant does have standing to make this request and he encouraged the Board to read the submission and then make a determination on interpretation under Chapter 165.13 as to whether or not this is applicable to this application. This section in the local law states “if a lot or parcel is divided by a zoning district boundary each portion of the lot or the parcel so divided shall be subject to the zoning regulations for the district in which it is located.” Bottom line on this, they have a district boundary; on the one hand some of the property in this application is in the CP-1 and some of the property is in the residential zone. Their request is to the Board is for the Board to interpret whether or not this local law is applicable to their current application that is before the Board. Their intent is only to go forward in respect to the ShoulderMaster portion of the project at this time.

Mr. Keniry suggested that tonight the Board consider whether or not the application is complete; classify it as a Type 2 application; Board can legally schedule public hearing if so inclined.

Mr. Nolan stated the application is on hold until the Board makes a determination.

Ms. Grogan explained that she was not present for Mr. Chmielewski’s interpretation but she did read it. She wasn’t under the impression his interpretation was because of the new zoning; she was under the impression it was because the space was going to be a warehouse and it didn’t fall within the zoning. Mr. Chmielewski stated his interpretation was of industrial office, it was not about the local law.

Mr. Nolan made motion to schedule public hearing on October 25, 2023, for the appeal to determine if Local Law #9 applies to the Finke application; seconded by Mr. teRiele; all in favor.

Mr. Boyeau from Finke wanted to confirm that the use for the ShoulderMaster is for wholesale and will be allowed. He thanked the Board for having the workshop. They will submit a letter to Town asking for wholesale use and will amend their application based on the determination.

Miscellaneous:

Carver/Powell Rezoning: Planning/Zoning Board was requested to provide comments to the Town Board. Mr. Nolan distributed a draft for Planning/Zoning Board members to review and to come back with any recommendations/provide comments for review at the next meeting. Mr. Keniry stated it is an advisory opinion (Chapter 165.15).

Adjournment

Motion was made by Mr. Pietropaoli to adjourn the meeting; seconded by Mr. Cinque; all in favor.