

TOWN OF COEYMANS PLANNING/ZONING BOARD MEETING
June 23, 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 – full board present. Mr. Schmitt led the Pledge of Allegiance. Mr. Schmitt read the description for the public hearing.

Approval of Minutes

Mr. Schmitt made motion to approve the minutes of June 14, 2021 with one correction (Mr. Schmitt made motion to adjourn, not Mr. Collins; seconded by Mr. Nolan; all in favor.

Report of the Building Inspector

Mr. Cashin reported that there is an addition to tonight's agenda: area variance for a deck.

Public Hearing

Daniel Therrien 21-005 ZAV: An application for an area variance on property owned by him located at 125 Alcove Road, Alcove, NY, Tax Map #166-1-52. He's requesting a ten foot variance to the lot line for the placement of a storage shed.

Mr. Schmitt opened the public hearing and provided the phone number (518-756-6006 ext. 3) for the public to call in. Mr. Therrien was present.

No one called in. Mr. Collins made motion to close the public hearing; seconded by Mr. Gonzalez; all in favor.

Mr. Therrien was originally told that the application did not have to go before the Albany County Planning Board. Mr. Cashin explained the trigger for it to be sent to ACPB is that it is within 500 feet of an AG district. The property is almost surrounded by that district - Mr. Cashin did not realize it in time. ACPB will review the application at their July 15th meeting. Mr.

Schmitt apologized to Mr. Therrien. The Planning/Zoning Board can't act until the ACPB reviews it. It will be sent tomorrow in time for ACPB July 15 meeting. Our board's next meeting is July 12; it will be on our agenda for meeting July 28.

Area Variance

Leonard Pilhofer of 1018 Starr Road, Ravena NY is requesting a 28 foot variance to build a deck which does not meet the required 50 foot rear setback.

Applicant was not present. Discussion was held and included: The deck will be built off the back of the house; Albany Water Board is the nearest neighbor; will have to send notification to the Albany County Planning Board; will need a public hearing; Mr. Cashin will notify the Water Board and will send application to the ACPB.

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

Informational – Discussion

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 explained that the public hearing was closed at the last meeting; a lot of information had been presented to them; Planning/Zoning Board had questions for their attorney (Mr. Brick) to review and research to provide the Board with thoughts and opinions. The Board had an attorney client privilege meeting at 6:30 tonight before this meeting.

Mr. Brick, with the Board's permission, repeated what he told the board at the attorney client privilege meeting. On March 15th of this year the Building Department issued a building permit to Dylan Proper for a residential accessory structure. An appeal was timely filed; a public hearing was held at the last meeting. Mr. Brick analyzed the issue thoroughly and, in his opinion, based upon the Town's zoning codes and the definitions contained therein, you cannot issue a building permit for an accessory structure in the absence of a principal structure on the same lot. Testimony revealed that there is no principal residential use on the property in question.

Therefore, a residential accessory use building permit should not have been issued in the absence of an allowable principal use. It is his recommendation that the Board adopt a resolution to immediately revoke the building permit and inform the property owner and the permit holder.

His opinion is based solely on the lack of an allowed principal use on the property. If there was an allowed principal use on the property then this building permit would have been proper and

his recommendation would be to uphold the decision to issue the permit. All of the testimony that the board heard, in his opinion, is related to Facebook, DEC permits, statements, conversations, gates on roads, and were all irrelevant to the analysis of whether or not the building permit was properly issued. The only salient point justifying revocation of the building permit is the lack of principal use and the definitions contained in the zoning code. If an allowed principal use is established on that parcel and the property owner re-applies for a building permit for the very same building in the same location he would be entitled to it. The only reason it should be revoked is because there is no principal residential use on that parcel at that time. You can't deny a building permit based upon speculation of how the structure is going to be used.

Motion was made by Mr. Schmitt to revoke the building permit that had been issued to Mr. and Mrs. Proper immediately and notify them immediately of the revocation on the basis that the application indicated an accessory use in a residential area; seconded by Mr. Nolan; all in favor.

Robert Whalen 21-002 INT: "Sketch Plan Conference" for a two lot subdivision of land owned by him located at 527 CR 111, Tax Map #177.-1-23 subdividing a 5.10 acre lot; sizes to be determined.

Will be on the July 12 agenda.

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.

Public hearing will be on the July 12 agenda. Mr. Brick has determined that the moratorium refers to changes to the zoning map; use variance will not change the zoning map.

Miscellaneous

Mr. Brick provided update to the DEIS/Off shore Wind Project. He received an e-mail from Karen Gadez re revised DEIS statement. DEC is preparing to respond to the responses and issue second deficiency letter and are asking for Planning/Zoning Board comments again. Mr. Schmitt will send a response letter tomorrow which he will share with the rest of the Board.

Adjournment

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