TOWN OF COEYMANS PLANNING/ZONING BOARD MEETING

April 27, 2022

Attendees

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

Members Absent: Mr. Nolan

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; one board member absent. Mr. Collins chaired the meeting in Mr. Nolan’s absence. Mr. Collins led the Pledge of Allegiance.

Approval of Minutes

Mr. Pietropaoli made motion to approve the minutes of April 11, 2022; seconded by Ms. Grogan; all in favor.

Report of the Building Inspector - None

Subdivision

**Robert LaCosta, 22-003SD**: an application for a subdivision on property owned by Robert LaCosta, 1604 River Road, Coeymans NY, Tax Map #145.-1-4. He is requesting a two lot subdivision of 38 acres: Lot #1 to be 22.15 acres and Lot #2 to be 14.68 acres.

Mr. LaCosta was present. The application had been sent to the Albany County Planning Board. Their recommendation was modify local approval to include (1) Review by the Albany County Department of Health for water supply, waste water discharge and other required permits; (2) A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties for proposed ingress/egress and utility easements for Lot #2. The recommendation also included an Advisory: The total acreage of the subdivided land on the site plan and short environmental assessment form (SEAF) does not match. The Albany County Planning Board considers the total acreage number on the site plan/survey as accurate, that is 36.83 acres.

Mr. Chemielewski explained that the Albany County GIS was incorrect; survey is correct. He will talk to John Davis about it.

Mr. Boomer made motion for a negative declaration; seconded by Mr. teRiele; all in favor.

Mr. Pietropaoli made motion to approve the subdivision; seconded by Mr. teRiele; all in favor.

Mr. Collins abstained from both motions because he does work for Mr. LaCosta.

Informational Meeting

**Coeymans Recycling Center LLC 22-001SPV**: Property owned by Coeymans Reclycling Center LLC located at 166 Coeymans Industrial Park Lane, Coeymans NY, Tax Map #156.-4-5 for a battery storage test facility.

Mr. Brian Davenport was present. As part of the conditional approval of the project by the Planning/Zoning Board, Mr. Davenport was to meet with the fire departments (report was submitted to the Building Department) and do an informational meeting at tonight’s Planning/Zoning Board Meeting. He provided an overview of the battery storage facility.

**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. McHugh was present and explained the reasons for filing the appeal. Property is in an R/A zone. He does not feel that the application for a special use permit fits any of the special use permit categories/permissible uses. Therefore, the application should be for a use variance which has different standards than a special use permit. He asked the Planning/Zoning to look at it and talk to Counsel.

Mr. Brick explained that the board has to hear the appeal/schedule a public hearing at the next meeting (May 9). On May 25th Board will be in a position to act on the appeal; if the appeal is denied, then they can proceed with the SUP on May 25 or June 13. Discussion was held regarding adjourning the SUP public hearing until Board makes a decision on the appeal or continuing with the SUP public hearing. Mr. Ball requested that the public hearing be kept open.

Mr. Boomer made motion to keep the public hearing for SUP open tonight; seconded by Mr. Gonzalez; all in favor.

Public Hearing - Continuation

**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. Ball and festival organizers (including event producer Spencer LaVoy) and members of the public were present.

Mr. Collins read the Albany County Planning Board’s recommendation and advisory. Recommendation: Modify local approval to include (1) Notification to the local fire department for review and comment on emergency access and the emergency plan; (2) Review by the Albany County Department of Health for food service vendors; and (3) Notification to the Albany County Sheriff’s Department for review and comment on emergency access and the emergency plan. Advisory: The Albany County Planning Board advises that the Town should request the applicant for a written traffic study that includes traffic control plan. The ACPB also advises that the emergency evacuation plan should include an aviation medevac landing zone.

Mr. LaVoy talked about arrivals/departures – rigid on attendance; can calculate how many people will be there; developed a plan for security; map out the grounds; area is well lit; have a medical protocol; have a security protocol; events are well-run; tickets can be pre-sold and ticket costs are high. Mr. LaVay can provide references to the Board, they can google his name, and Chenango County can also be contacted for a reference.

The following members of the public provided comments:

Alan DeFazio, Copeland Hill Road: moved there for peace and quiet; his property is 400 yards from the event; no concerns for making money on things that would not involve him; concerned about the size – doesn’t want any big venues; is it just music or a festival – what will it be turned into; is the permit for this year or ongoing.

Kevin Hunter (also spoke at the last meeting): he is not against a campground; doesn’t want the noise all night long or month long; concerned about noise/decibel levels.

Espen Hjort (also spoke at the last meeting): noise issues; what is the decibel allowed, how is it measured; sound insulation around the speakers – is it promised or has it been done; no issues with people who attended – they should read and sign a waiver; no trespassing should be allowed on surrounding private properties; number of attendees – can the numbers go up.

George McHugh: is this a concert and camping or camping and a concert; ACPBs recommendation re Sheriff’s Department – they should look at the application and give recommendations on emergency access; traffic studies – applicant should produce a traffic study for our engineer to review.

Event organizers commented on the concerns/issues: Waivers are signed by attendees; soundproofing is done as sound systems are deployed – speakers are aimed at each other, they are thin, higher, and point down; stage will not be used past 11:00 p.m.; permission/special use permit is for this year, not next year; if they apply next year, the Board can set the number of attendees; security is present at all times; sound is 50 decibels or less; the event organizers attended the Albany County Planning Board meeting. Mr. Ball commented that he puts shale on the emergency access roads.

Mr. Gonzalez made motion to adjourn the SUP public hearing to May 25, 2022; seconded by Mr. Boomer; all in favor.

Ms. Grogan had a concern about medical response/insurance, e.g. Medevac. The organizers have medical insurance coverage and damage to premises coverage.

Applicants will reach out to Fire Chief Kapusta re emergency response plan.

Mr. Brick is researching the filing fee for the appeal; he does not believe it applies to Town officials. He expects to have an answer by the next meeting.

Mr. Boomer made motion to schedule public hearing for the appeal on May 9, 2022; seconded by Ms. Grogan; all in favor.

Adjournment

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