TOWN OF COEYMANS PLANNING/ZONING BOARD MEETING

March 22, 2023

Attendees

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

Members Absent: Mr. teRiele

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; one board member absent. Mr. Nolan led the Pledge of Allegiance.

Approval of Minutes

Mr. Pietropaoli made motion to approve the minutes of February 13, 2023; seconded by Mr. Boomer; all in favor.

Report of the Building Inspector – None

Area Variance

**Tim Haverly (23-001 ZAV**): An application for an Area Variance on the property owned by Timothy Haverly. Property is located at 109 Jarvis Road, Tax Map #167.-2-5.

Mr. Haverly was present. Discussion was held and included: Mr. Haverly purchased the property from Scott Wells; there had been a mobile home on the property which has been removed. He wants to build a two story house on the property. There is a well, septic and electric. The well is 80 feet from the septic. An area variance is needed because the property does not meet the two acre requirement in the Town Code; 80,000 square feet is required.

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

This would be a Type 2 under SEQRA. A 239 is not needed. A public hearing has to be scheduled.

Mr. Nolan made motion to schedule public hearing for April 10, 2023; seconded by Mr. Boomer; all in favor.

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 was present. At the February meeting he had done a presentation outlining the improvements they are proposing on a current vacant lot on the property.

* Property is in a commercial zoning district which is located right next to Finke Equipment.
* They are proposing to construct a 20,000 square foot building which would be partially used by Mr. Finke to help support his current facility as well as have a tenant
* The master plan is to build four additional buildings.
* Existing access is thru Finke property; it’s already constructed (concrete)
* Planning/Zoning Board is the lead agency; EAF form and master plan have been submitted
* MJ Engineering will review the site plan. Ms. Jenny Lippmann was present and stated that if they get the plans within the next couple of days they could review them before the next meeting. She will touch base with Mr. Chmielewski and Mr. Boyeau.
* Master Plan: Phase 1 – one building; Phase 2 - four buildings proposed.

Discussion was held regarding the 239 process. Mr. Collins made motion to send the 239 to the Albany County Planning Board tomorrow; seconded by Ms. Stanton; all in favor.

A public hearing will need to be scheduled. Applicants will continue working with MJ engineering.

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.

Ms. Grogan chaired this portion of the meeting. She stated that this a continuation of the review of the application for site plan and special use permit. The Board received a site plan, full EAP and a letter from the applicant’s counsel dated March 1, fire prevention plan – MJ Engineering will speak to that; Planning/Zoning Board has to determine that the application is complete.

Mr. Boomer made motion that the site plan submission is complete; seconded by Ms. Stanton; there was no discussion; all were in favor, no one opposed; motion was carried.

The public hearing was open for anyone wishing to speak. Members of the public were invited to the podium.

Mr. Charles Gottlieb, Co-Counsel for the applicant:

He stated that also present tonight is Bill Smart, Gary Nouse, Bob Long, General Counsel Beth Carey. Mr. Gottlieb stated that they made a revision about a week ago; some revised plans and letter were sent to the Planning/Zoning Board from his office describing what the revised site plan will be. He spoke about items in that letter:

Planning/Zoning Chair Mr. Nolan has been recused from this matter, which seems to be meaningless; he has continued his presense before this Board; he has addressed the project while sitting on the dais; has had an apparent involvement with the appointment of Planning/Zoning Board member Cinque and has used legal representation to try to influence the Board - all things that are prohibited under New York law. Based on the statements at the 2/13 meeting, he requests that Mr. Cinque must be recused because he has a predetermined bias and has demonstrated pre-meditated bias against the project; requests Mr. Cinque’s recusal from the Planning/Zoning Board. They want Mr. Cinque to recuse himself tonight.

They submitted a comprehensive FOIL request to obtain e-mails from the Town’s server, personal e-mails, as well as text messages, and other correspondence (letters from Mr. Nolan’s counsel alleging that Attorney Andy Brick as too supportive of the project and the Town Board asking Mr. Brick to resign as P/Z Attorney).

On 3/17 they did their submissions. Planning Board proceedings to date have been lawful; project meets site plan and special use permit criteria; is consistent with Comprehensive Plan.

A revised site plan was submitted. There is a tax lot line thru the property (which is also the municipal boundary line) so they shifted entire facility slightly west so that side set back is applicable to that line which separates the property. Both tax parcels are under common ownership.

The full Environmental Assessment form had been provided. Even though it’s an unlisted action under SEQRA which only requires the short form, they provided the full EAF.

Re March 21 consultant memos from MJ Engineering and 3/20 memo from Friedman and Fischer Associates: They are preparing formal responses to them, which they will submit to the Board in writing.

NYS EnCon is an interested agency, not an involved agency. Their letter confirms they have no jurisdiction on this project because the project does not disturb any regulated stream or wetlands; they don’t need storm water prevention permit; project does not propose the removal of any trees - no impacts to long-eared bat.

Mr. Gottlied asked that public hearing be closed this evening.

They have obtained a petition with 95 signatures in support of the project.

Mr. Michael Biscone:

We are in the midst of a public hearing and are getting revised applications which is the major reason why a public hearing should not have been opened in this case. Site plan application had not been complete but Planning Board voted on it tonight. He is only pointing it out as a reference. He is taking no position on this application; he doesn’t represent Mr. Nolan. He is retired as of December 31, 2022 from active practice of law with the exception of select few like Finke Enterprises and the Village of Ravena.

He is here as Counsel to the Village of Ravena (has been for decades). One of the concerns of the Village on this site is the alternate truck route that is currently being proposed on Route 101 which will ultimately run thru the cement company and Carver. The purpose of the Village’s interest is this will totally eliminate truck traffic on Main Street and the Village of Ravena; has been working on this for a few years. He’s mentioning this because the alternate route involves 101.

This lot was subject to litigation by Oscar Boomer in 1970; the Biscone law firm represented Boomer vs. Atlantic Cement Company. As a result of that litigation servitude on this land has been placed in perpetuity. He will disclose this information in correspondence to all members of the Board, the engineer, and to Counsel.

Master Plan: MJ Engineering designed a master plan and the Town Board has adopted it as guidance to this board and subservient boards to the Town Board to govern their actions concerning any applications or any matter that involves improvements to sites. It has a specific reference to industrialization.

Mr. Gottlieb addressed a few of Mr. Biscone’s comments.

Alternate truck route: DEC has no comments on this. Albany County DPW received notice of the application and have no comments on it. Full title search – found this a title issue not a site plan or SUP application issue.

No one else spoke.

Ms. Grogan read letter from Lafarge/Holcum to the P/Z Board dated March 21, 2023. They requested that the letter be read into the record (copy is attached to these minutes).

Ms. Grogan stated that the Board has received a lot of information tonight; she suggested that the public hearing be adjourned to the next meeting. The Board should be able to review this information and suggested that the P/Z Board hold a special meeting to review the info; keep the public hearing open.

Mr. Cinque made motion to hold a special meeting on April 5, 2023 at 7:00 p.m.; seconded by Ms. Stanton; all in favor; no one opposed.

Jenny Lippmann provided a summary of where we are to date including:

Site plan review comments had been addressed; set back/split by the municipal boundary; area variance for Site Plan – modified the location of tank sled; set back is sufficient with current code; long form EAF was submitted – added some comments; DEC comment letter – nothing was modified based on DEC’s comments.

Fire Code and Safety Code Review was sent to Friedman Fisher Associates who submitted a review. Summary of Fire Safety Plan was thorough and meets the required codes.

Fire company should review the Fire Safety Plan and should provide comments. Mr. Chmielewski reported that Building Inspector Sante DeBacco will be meeting with Mark Deyo, Chief of the Coeymans Fire Company.

Fire Code Analysis: Clearance of overhead utility lines. Per Mr. Chmielewski the existing power lines will be removed.

SWPPP: Applicant revised the plan. Area of disturbance is just under one acre. Applicant was asked to take a look at it and for the Town to be able to review; make sure that it does not go over that threshold; construction fence will be installed.

Mr. Chmielewski had invited Mr. Henry Traver from the Village of Ravena to attend the meeting tonight to talk about the flow rates of the hydrants. Mr. Traver stated that he did some research. It’s been awhile since the last fire call but the last records show the two hydrants closest to the property were well over 1000 gallons per minute; the one after and other prior are 1100 gallons per minute. The Village upgraded the system since the last flow, 6” to 8” lines now have 14” line feeding an 8” line; there should be no issues. PSI was between 105 and 120.

Mr. Cinque commented on the accusations. He said: “A” they are wrong and “B” prove it. He stated that he can be fair.

Recused members re-joined the meeting.

Other Business:

Ms. Grogan stated that there needs to be policy on how to inform Planning Board members of meeting cancellations. Mr. Nolan will do the notifications..

An unidentified member of the audience had q question about subdividing two lots (would be dividing a non-conforming parcel and would need an area variance. He will contact the Building Department.

Adjournment

Mr. Nolan made motion to adjourn; seconded by Mr. Boomer; all in favor.