

**MINUTES BOOK\*\*TOWN OF COEYMANS  
April 22, 2014 – Town Board Workshop – 6:00pm**

**A Town Board Workshop was held Tuesday, April 22, 2014, at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

**PRESENT:** Stephen D. Flach, Supervisor  
Peter E. Masti, Councilman  
Thomas E. Dolan, Councilman  
George E. Langdon, IV, Councilman  
Kenneth A. Burns, Sr., Councilman

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Scott Searles, Highway Superintendent  
David Wukitsch, Attorney for the Town

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Supervisor Flach opened the meeting and led the Pledge of Allegiance.

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**OPENING COMMENT**

Supervisor Flach stated that the records should reflect the presence of a full Town Board.

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**AGENDA**

- 2014 Capital Bicycle Racing Club Race
- Highway Department – Salt Shed
- EAF – SEQRA Amend Zoning Map

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**DISCUSSIONS**

**2014 Capital Bicycle Racing Club Race**

Supervisor Flach stated that Mr. Paul McDonnell was present to discuss the 2014 Capital Region Road Race, which has become a yearly race/event in the Town of Coeymans.

Mr. McDonnell presented to the Town Board the flyer for the events, Coeymans Hollow Time Trials on Wednesday, June 18<sup>th</sup> and June 25<sup>th</sup> and the Capital Region Road Race on Saturday, July 12<sup>th</sup> and continued by explaining each event.

Supervisor Flach asked that Town Clerk Millious check the dates for the use of the pavilion on June 18<sup>th</sup> and June 25<sup>th</sup>.

Town Clerk Millious checked the dates and advised that they are open and gave Mr. McDonnell an application for use of the pavilion.

Collectively the Town Board agreed to waive the fee for the use of the pavilion in Joralemon Park because any proceeds are donated to the local fire company and ambulance as well as paying the police forces that assists them.

Supervisor asked if anyone had any questions, hearing none he moved to the next item on the agenda.

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**Highway Department – Salt Shed**

Supervisor Flach stated that Highway Superintendent Searles was present to discuss his request for a Salt Shed at the Highway Department.

Highway Superintendent Searles stated that there have been some issues with the County of Albany, who they have a “hand shake” agreement with, which is that they will provide salt for the Town and there have been three incidents this past winter where he had to go to other vendors and buy salt because they ran out and he paid \$20.00 more a ton. He continued by pointing out the following:

- The Town paid \$22,990.00 for salt for January, February and March, the County received 5 loads since January of 100 tons each, when rounded up it is a total of \$25,000.00 that the County paid for salt, which was basically the Town’s money and he ran out three times so basically the Town paid for the salt for Town and County roads.
- The salt is supposed to be mixed at a 1-3 ratio, which is 80% sand and 20% salt but the County has been mixing it at a 1-5 ratio but they are getting charged for the 1-3 ratio.
- The County has accused the Town of stealing salt.

Discussion ensued between Highway Superintendent Searles and the Town Board relative to price for a Salt Shed, the current agreement with the County and the fact that the Town paid for most of the salt used by the County, location of the Salt Shed, accusations from the County that the Town is stealing salt, size of building, funds to do it by BAN, appropriations or grants, time limit for getting back on State Contract, the possibility of sharing services with the Village and school.

Supervisor Flach asked Attorney for the Town Wukitsch if he had anything to add.

Attorney for the Town Wukitsch stated that it sounds to him that having their own Salt Shed is the way to go and it makes more sense even though there is an up-front investment of the cost of the shed.

Highway Superintendent Searles interjected that he needs to know by May 30<sup>st</sup> for ordering salt and added that they have time to think about it but he has to know before then if he is going to be ordering salt or if they are going to piggy back with the County again.

Supervisor Flach asked that the Town Board think about it and added that they have plenty of time and then asked Highway Superintendent Searles if he had anything else to discuss.

Highway Superintendent Searles continued by discussing the fact that money has to be transferred to reflect the relocation and merging of the Beautification Department to the Highway Department. He added that the contractual and personal services would be put in the DB Fund but the Parks and Cemeteries would remain in the A Fund and as soon as it is done they can start shared services.

Supervisor Flach stated that it would be a budget amendment.

Highway Superintendent Searles continued by discussing the uniform vendor, which is currently Uni-First and between Highway and Parks they were charged \$14,374.00. He continued by saying that he obtained a quote from J.K. Services who bought out Tri-State and they quoted a price of \$5,229.64, which includes extras such as sewing emblems on the shirts.

Discussion ensued amongst Highway Superintendent Searles, the Town Board and Attorney for the Town Wukitsch relative to the procedure for changing vendors and it was decided that in order to do so, there had to be three quotes, which Highway Superintendent Searles has.

Collectively the Town Board agreed that they will do a resolution at the next meeting to change from Uni-First to J.K. Services, the lowest quote.

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**EAF – SEQRA Amend Zoning Map**

Supervisor Flach stated that there is an Environmental Assessment Form that has to be completed for Proposed Local Law #4 – Zoning Map Modification and continued by asking that Attorney for the Town Wukitsch explain the procedure.

Attorney for the Town Wukitsch stated that Part I lays out a description of the project and the Town Board's job is now to complete Part II by analyzing each question and added that for the record, Attorney Brick is present and the Attorney for the applicant. He continued by saying that so the record is clear, the Town Board received a letter dated April 4, 2014 from Mr. Brick, basically addressing some of the issues in the SEQRA review as well as an attachment relating to the proposed rezoning, which contains exhibits A-J. He added that for now they should go through and take a look at each of the items under Part II, analyze them and see if they have a consensus in terms of how they would answer them. He went on by saying that on page 2 under Coastal Resources it looks like Code Enforcement Officer Conrad made a notation and then asked if it was in fact him.

Supervisor Flach stated that he wrote it, it was his original copy and he had a question about it and added basically his thought at that point was that it is not actually on the Coastal Area Map and it is not on the list but when you do the calculation of the area, it comes up as a coastal waterway even though it is not on the map and then asked Attorney Brick for an explanation.

Attorney Brick stated that he and the project engineers filled out the full Environmental Assessment Form and the State Department of Environmental Conservation recently adopted a new long form and when they implemented the new form they also rolled out on their website what is called the EAF Mapper Application. He continued by saying that they have collected from various data bases from State agencies, information about every property that they have information on in the state and now with the Mapper Application on their website, when you go in it brings you to a tax map where you draw a circle or a line around the project area, which in this case it is the 9 parcels that they want to rezone and plug it in and in turn they take information from the project area and apply it to all the data bases that they have in the Mapper Application and some of the questions are answered. He added that he had gone through and answered every question but after going through the Mapper Application a number of questions had already been answered by DEC's website and that is one of them and for the Coastal Resources section, it is DEC's answer.

Attorney for the Town Wukitsch stated that he didn't think that they had to go any further than that because the answer is yes.

Attorney Brick stated that he believes it is and he can provide supplemental explanatory information why DEC said that it is and in looking at the last two pages of the EAF, they are new and are pages that DEC adds into the EAF and they explain those questions that they answer and in looking at B.1.1 it says that it is a coastal or waterfront area and his understanding is because it is in proximity to the Hudson River, which is a coastal area and added that he should provide the Board with an application that is just DEC's answers.

Attorney for the Town Wukitsch stated that the last two pages tell you exactly what was pre-answered and added that they can continue on to page 4 line "a" where it asks if the proposed action include any excavation, mining, or dredging, during construction, operations, or both and the answer is no. He then asked if anyone disagreed, hearing no disagreement he moved to the next item, "will there be onsite dewatering or processing of excavated material".

Supervisor Flach interjected that it is important to note that this is a zoning map change and not a project.

Attorney for the Town Wukitsch reiterated that it is a zoning map change and it is not a project where there is construction, manufacturing or some other activity going on.

Councilman Dolan interjected that the map is being changed for a reason, which is to allow certain activities and it is not just a change in the map for the sake of changing the map, it is a change in the map to allow or disallow certain activities.

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Attorney for the Town Wukitsch stated that it would be to allow industrial uses and he does not think that there are any specific uses sought through the application and then asked Mr. Brick if he was correct.

Attorney Brick stated that he was correct and added that there is some difficulty in filling out an EAF for a rezone application because SEQRA says that you have to look at all of the potentialities that can occur as a result of your action so you do, to a certain extent have to look at future uses of the property. He added that another question is, “will the proposed action result in the release of air pollutants” and the action is the rezone, and a rezone can never create air pollutants, so it is not a perfect marriage between the way the questions are phrased when you are dealing with a rezone application.

Attorney for the Town Wukitsch stated that there are some broader questions toward the end that would address a rezone specifically but all questions have to be answered in terms of the proposed action being the rezone itself and not any specific industrial use.

Councilman Masti interjected that each parcel would have to do an EAF and all they are doing is saying that industrial would be allowed but ultimately whatever company wants to propose it, would have to fill out and answer questions like whether or not they will cause pollution, etc.

Attorney for the Town Wukitsch stated that was correct and they individually would have to fill out an EAF.

Councilman Dolan stated that the rezoning is being sought because there are ongoing activities that don't necessarily coincide with the zoning and how it may be if the law is overturned or to ultimately be withheld.

Attorney Brick stated that from his client's perspective and they originally requested the three parcels that they control, was to bring the zoning into conformity with the Comprehensive Plan as well as the historic and existing uses on the property, which are industrial in nature. He added that it is bringing the zoning into conformity with the previously issued Special Use Permits and it is trying to bring the color on the map in conformity with what the Comprehensive Plan says it should be as well as what traditionally happened there, what is happening now and what they hope will happen in the future.

Councilman Dolan asked if it would be legitimate to take into account activities that are going on there as they speak.

Attorney Brick stated that you could.

Councilman Dolan stated that it is not just the changing of the law itself; it is activities that would also be going on at this particular.

Attorney Brick disagreed and interjected that any of the activities going on at this particular moment are permitted, grandfathered and have already gone through the SEQRA process and there is no other activity taking place on the property that would be subject to SEQRA right now and everything is in a holding pattern. He added that there are no new proposals, the subdivision has been approved and other than TCI, who is permitted and approved, and have gone through the SEQRA process, there is nothing else taking place.

Attorney for the Town Wukitsch stated that what he is saying is that they don't re-SEQRA the SEQRA that has already occurred.

Mr. Bill Better stated that he represents TCI and he wanted to make it absolutely clear, and he is not trying to project but he is interpreting what Councilman Dolan is saying, that there is nothing that the EAF does with respect to his approval and one of the reasons that he is present is to make sure that there is not some effort to try and re-open something that is long decided and approved months ago.

Councilman Dolan stated that he was not suggesting that and he wanted to make that clear.

Supervisor Flach suggested that they continue with the EAF and asked where they left off.

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Attorney for the Town Wukitsch stated that it is Page 4, Project Operations item a. “does the proposed action include any excavation, mining, or dredging, during construction, operations, or both”.

Supervisor Flach agreed that the answer is no, collectively the Town Board agreed.

Councilman Dolan stated that if the action is strictly the zoning change, he would agree.

Attorney for the Town Wukitsch continued with the following:

- Will there be on-site dewatering or processing of excavated materials?

Collectively the Board agreed that the answer is no.

- Will the excavation require blasting?

Collectively the Board agreed that there is no excavation.

- Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, water body, shoreline, beach or adjacent area.

Collectively the Board agreed that the answer is no.

- Will the proposed action cause a result in disturbance to bottom sediments?

Collectively the Board agreed that the answer is no.

- Will the proposed action cause or result in the destruction or removal of aquatic vegetation.

Collectively the Board agreed that the answer is no.

- Will the proposed action use or create a demand for water?

Councilman Dolan stated that he would say yes to that because as far as he knows there have been requests for water on that property and not just for TCI.

Supervisor Flach stated reiterated that it is for the zoning action.

Councilman Masti interjected that whoever proposes to build would request that.

Attorney for the Town Wukitsch stated that it is important to focus on the zoning because if they answer yes to it, the next question is the total anticipated water usage/demand for water would be per day and they want to know the exact amount. He added that it supports what the majority of the Board is doing in treating it simply as a rezone and not any specific project because if they had a specific project before them, they would have an expert telling them how much water demand would be needed per day and they don't have that information and if they check yes, they would not be able to answer the second part, which they are required to do.

Councilman Masti reiterated that it would be whatever company was proposing a specific project because they would have a specific answer.

Councilman Dolan asked if it was a majority vote.

Attorney for the Town Wukitsch stated that it was.

Councilman Dolan reiterated that he believes that the answer is yes.

Supervisor Flach, Councilmen Masti, Burns and Langdon agreed that the answer was no.

Attorney for the Town Wukitsch stated that the vote would be 4 saying no and 1 saying yes.

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Councilman Dolan stated that his understanding is that specific amounts of water were requested.

Councilman Burns stated that it would be if another company like TCI came in and built a factory and required a certain amount of water, even if it were for just restrooms.

Councilman Dolan interjected that he understands that.

Supervisor Flach asked if the supply of water is specific to municipal water.

Councilman Dolan stated that he believes that question is how much water would be coming into the property because once it comes in; something needs to happen with it, whether it is used or discharged in some manner.

Attorney for the Town Wukitsch stated that it is a different viewpoint on that and he can understand it and continued by reading the next question.

- Will the proposed action obtain water from an existing water supply?

Collectively the Board agreed that the answer is no.

Supervisor Flach reiterated that they have to remember that they the Town are asking to do a rezone and answering the questions as the Lead Agency and they are not going to require water to rezone a piece of property.

- Is a new Water Supply District proposed to be formed?

Collectively the Board agreed that the answer is no.

- Will the proposed action generate liquid waste?

Collectively the Board agreed that the answer is no.

- Will the proposed action use any existing wastewater treatment facilities?

Councilman Dolan stated that somewhere in the information that Attorney Brick gave them there is a letter from Mr. Conrad talking about potential waste water being generated and how the Sewer District could handle it because of waste water taken out previously.

Attorney Brick stated that pursuant to the Town's Consent Order with DEC, the Town Engineer does an annual I&I Inflow and Infiltration Reduction Report, which basically reports to DEC every year the Town's effort to reduce the I&I getting into the system and he provided a copy of the report from 2013 where they credit his client in doing work on his property to repair the sewer lines that were already in existence there and he reduced the I&I according to C.T. Male, the Town's Engineer, by 53,000 gallons per day, which is 19 million gallons annually. He added that reduction alone is beneficial to reducing the I&I as well as increasing capacity in the plant because it is no longer processing that I&I and they wanted to point out that figure to show that there is a capacity as well as there being over 350,000 gallons per day reduced through I&I since 2001, which means that rain water is no longer being processed through the facility.

Councilman Dolan stated that he didn't know that this was on the agenda and then asked what the context is of him bringing up that documentation if it is not an issue at all.

Attorney Brick stated that irrespective of the language of the wording of the EAF and how you have to answer it when the rezone is the action, he wanted to provide additional information for the Board's consideration because Judge Lynch, in his decision regarding the town-wide rezone said that in his review of the record he could not find enough documentation to justify some of the decisions that were made under SEQR and based on that, for their particular rezone, he didn't want it to be a problem and he wanted the Board to have as much information as the various aspects of potential environmental impacts that would be impacted by this particular rezone. He added that with the hand-out he went through the generic environmental aspects that are usually looked at during a rezone process, which are water, sewer, traffic, etc. and he wanted to provide information on each to the Board and it is above and beyond the questions in the EAF.

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Attorney for the Town Wukitsch continued with the EAF.

- Will a new Waste Water Sewage Treatment District be formed to serve the project site?

Councilman Dolan interjected that he would say no and if it is to be, it would be the existing Sewer District.

Collectively the Town Board agreed that the answer would be no.

Attorney for the Town Wukitsch continued:

- Will the proposed action disturb more than one acre and create storm water runoff, either from new point sources or non-point sources during construction or post construction?
- Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?
- Will any air emission sources named in D.2.F, require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?
- Will the proposed action generate methane?
- Will the proposed action result in the release of air pollutants for open-air operations or processes, such as quarry or landfill operations?
- Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?
- Will the proposed action generate new or additional demand for energy?
- Will the proposed action produce noise that will exceed existing ambient noise levels
- Will the proposed action have outdoor lighting?
- Does the proposed action have the potential to produce odors for more than one hour per day?
- Will the proposed action include any bulk storage of petroleum with a capacity of over 1,100 gallons or chemical product 185 gallons in above ground storage or any amount in underground storage?
- Will the proposed action use pesticides during construction or operation?
- Will the proposed action involve or require the management or disposal of solid waste?
- Does the proposed action include construction or modification of a solid waste facility?
- Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?

Collectively the Town Board agreed that the answer would be no to each question.

Attorney for the Town Wukitsch stated that the next part is to check existing land uses on and surrounding the project site and the following were checked, Industrial, Commercial, Residential Rural, and Forest.

Collectively the Town Board agreed.

Attorney for the Town Wukitsch continued.

- Is the project site presently used by members of the community for public recreation?

Collectively the Board agreed that the answer would be no.

- Are there any facilities serving children, the elderly, people with disabilities within 1500 feet of the project site.

Collectively the Board agreed that the answer would be yes, Pieter B. Coeymans Elementary.

Attorney for the Town Wukitsch continued with the following:

- Does the project site contain an existing dam?
- Has the project site ever been used as a municipal, commercial or industrial Solid Waste Management Facility, or does the project site adjoin property which is now, or was at one time, used as a Solid Waste Management Facility?

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- Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin any property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?
- Has there been a reported spill at the proposed site, or have any remedial actions been conducted at or adjacent to the proposed site?

Attorney for the Town Wukitsch stated that it would be for the 9 parcels included in the proposed rezone and to their knowledge the answer is no and continued with the following.

- Is the project site within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?

Attorney for the Town Wukitsch stated that the answer is yes and it is one of the questions that was pre-answered.

Attorney Brick stated that it was and the map application picked yes and gave the number and he in turn researched the number and provided the explanation in Part IV.

Attorney for the Town Wukitsch stated that it is something that came out of their database and they don't really have anything to say about that.

Councilman Masti if the dredging for PCB's was considered within 2000 feet.

Attorney Brick stated that his understanding is, in reviewing the Spill Summary or the Remediation Site Summary is that the entire Hudson River from the New York Harbor to the dam north of Troy has been designated as a Remediation Site.

Attorney for the Town Wukitsch continued with the following and collectively the Board agreed that the answers would be no.

- Is the Project site subject to an institutional control limiting property uses?
- Are there bedrock outcroppings on the project site?

Attorney for the Town Wukitsch stated that the predominant soil type is silt loam; the average depth of water is 0-5 feet as well as there being information on drainage and approximate proportion of the project with slopes and then continued with the following.

- Are there any unique geologic features on the project site?

Collectively the Town Board agreed that the answer in no.

Attorney for the Town Wukitsch stated that the next item is surface water features and continued with the following.

Collectively the Town Board agreed that the answer would be yes to the following and that they were pre-answered.

- Does any portion of the project site contain wetlands or other water bodies?
- Do any wetlands or other water bodies adjoin the project site?

Attorney for the Town Wukitsch stated that the entire Section h. was pre-answered and it was not necessary for them to address it and continued with the following.

- Identify the predominant wildlife species that occupy or use the project site.  
Deer, rabbit, birds, typical small mammals and birds.

Attorney Brick interjected that he filled in that information and he wanted to identify what they know is on the site.

- Does the project site contain a designated significant natural community?

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Attorney for the Town Wukitsch stated that the answer would be no and continued with the following:

- Does the project site contain any species of plant or animal that is listed by the Federal Government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?
- Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?
- Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?

Attorney for the Town Wukitsch stated that the questions were pre-answered.

Attorney Brick stated that they were pre-answered and there were two things that he was able to learn and he would supplement them with the research that he has developed. He continued by saying that there is a potential spawning ground at the base of the creek where it meets the Hudson River for the Short Nosed Sturgeon and also a type of plant that was identified in the vicinity back in 1960 by a geologist doing a geological survey.

Supervisor Flach stated that it is at the mouth of the creek and then asked if it is within the rezoned area.

Attorney Brick stated that the spawning ground is where the creek and Hudson River have a confluence and it is at the bottom side of the falls and the industrial area proposed to be re-zoned is above the falls so there is no chance of the spawning ground ever moving into this area and the concern would be what takes place in the area in the future having an impact upon the stream that flows into the spawning ground. He added that from their perspective it would be addressed by the SPDES Permit where the State DEC regulates discharges into the stream to prevent those types of impacts and continued by saying that there are currently 50 point discharges along the Onesquethaw Coeymans Creek authorized by DEC.

Attorney for the Town Wukitsch continued with the following.

- Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?

Collectively the Board agreed that the answer is yes.

Attorney for the Town Wukitsch continued with the following.

- Is the project site or any portion of it located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?
- Are agricultural lands consisting of highly productive soils present?
- Does the project site contain all or part of, or is it contiguous to a registered National Natural Landmark?
- Is the project site located in or does it adjoin a state listed Critical Environmental Area?

Collectively the Town Board agreed that the answers would be no.

Attorney for the Town Wukitsch continued with the following.

- Does the project site contain, or is it substantially contiguous to a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places?
- Is the project site or any portion of it, located in or adjacent to the area designated as sensitive for archaeological sites on the NY State Historic Preservation Office Archaeological Site Inventory?

Attorney Brick interjected that the State pre-answered and the answers were yes.

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Councilman Dolan stated that in the packet that Mr. Brick provided them, it referenced an archaeological inventory and it mentioned a lot of attachments, etc. and then asked if there was any way he could get a copy of them.

Attorney Brick stated that he provided the Executive Summary, which is 500 pages long and he will get a copy for the Town.

Councilman Dolan interjected that he thinks that it would be important for the Town to have this information.

Attorney Brick stated that it was created for the large parcel as a result of the bridge project.

Attorney for the Town Wukitsch continued with the following.

- Have additional archaeological or historic site(s) or resources been identified on the project site.

Collectively the Town Board agreed that the answer was no.

Attorney for the Town Wukitsch stated he is assuming that the answers were pre-answered from the data base.

Attorney Brick stated that some were and some were not.

Attorney for the Town Wukitsch asked if anyone knew of any archaeological or historic resources that have not been identified.

Attorney Brick stated that the archaeological study determined no.

Attorney for the Town Wukitsch continued with the following.

- Is the project site within five miles of an officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?

Attorney for the Town Wukitsch stated that they answer is yes and it is Schodack Island State Park and it is approximately 1 mile away and continued with the following.

- Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?

Attorney for the Town Wukitsch stated that the answer is no and added that it concluded the Environmental Assessment Form. He continued by saying that unless anyone had any further discussion, they can give the public an opportunity to address the Board.

Attorney Brick asked if they were going to fill out the Part 2 decision and added that he didn't bring any copies for them because he didn't know that they were going to fill it out now.

Supervisor Flach stated that he guessed they would not be able to do it if they didn't have any copies.

Attorney Brick stated that they could download it directly from the website.

Attorney for the Town Wukitsch asked what Part 2 covers.

Attorney Brick stated that Part 2 is the analysis where it asks specific questions and the Town as the Lead Agency determines if there will be no/small impact or moderate/large impact from each individual type of environmental consideration.

Attorney for the Town Wukitsch interjected that they could do that.

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Attorney Bill Better stated that those boxes that were checked yes, you would now ask those questions of the boxes checked yes and you don't go back to every box that is no and continued by saying that only to the yes answers do you say if it will be a small or large impact.

Attorney for the Town Wukitsch stated that there are only a couple that are checked yes and they can go over it now and then convert it to a form. He continued by saying that the first that he see is Pieter B. Coeymans Elementary.

Attorney Better stated that it is because it is within 1500 feet of the rezone and then the question is if there will be a significant environmental impact on that facility.

Collectively it was agreed that they needed the Part 2 Form to follow, Attorney Brick downloaded the form from the website, and Town Clerk Millious made copies and distributed them to the Town Board.

Attorney for the Town Wukitsch stated that impact on land is the first question and added that they had already covered most of the questions and then asked if anyone feels as though it should be anything other than no.

Councilman Dolan stated that the answer to the very first one, the proposed action may involve construction on land where depth to water table is less than 3 feet.

Supervisor Flach interjected that this is a zoning action and they are not actually talking about constructing anything.

Attorney for the Town Wukitsch stated that it is like trying to pound a square peg into a round hole and he would suppose that you could say that if you are zoning it to industrial, you could conjecture any possibility and answer yes to every one of the questions if you take that view.

Councilman Dolan quoted from the form as follows:

“When answering a question, consider all components of the proposed activity that is the whole action. Consider the possibility for long-term and cumulative impacts as well as direct impacts.”

Attorney for the Town Wukitsch stated that they would start with 1- Impact on Land, which would be yes and then asked if it would be a small or moderate to large impact.

Collectively the Board agreed that it may possibly have a small impact.

Attorney for the Town Wukitsch continued with the following.

- The proposed action may involve construction on slopes of 15% or greater.

Supervisor Flach interjected that they don't really know so they would say no.

Councilman Dolan stated that 50% of the site is 15% or greater.

Attorney Brick stated that under State Building Code he does not believe that you could build on it.

Attorney Better interjected that he believes that they need to go back to the first question regarding the impact on land and added that he does not think that the answer yes is correct and he would ask the Board if they believe it would be yes or no.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Land – Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. the Board if the answer to whether there would be an impact on land would be yes or no and voted as follows:

Supervisor Flach, Councilmen Masti, Burns, & Langdon collectively agreed that the answer is no.

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Councilman Dolan stated that he believed that the answer was yes.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Geological Features – Proposed action may result in modification or destruction of, or inhibit access to, any unique or unusual land forms on the site.

Collectively the Town Board agreed that it would be no.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Surface Water – Proposed action may affect one or more wetlands or other surface water bodies.

Supervisor Flach, Councilmen Masti, Burns, & Langdon collectively agreed that the answer is no.

Councilman Dolan stated that he believed that the answer was yes.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Groundwater – Proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

Collectively the Town Board agreed the answer would be no.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Flooding – Proposed action may result in development on lands subject to flooding.

Collectively the Town Board agreed the answer would be no.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Air – Proposed action may include a state regulated air emission source.

Supervisor Flach, Councilmen Masti, Burns, & Langdon collectively agreed that the answer is no.

Councilman Dolan stated that he believed that the answer was yes.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Plants and Animals – Proposed action may result in a loss of flora or fauna.

Supervisor Flach, Councilmen Masti, Burns, & Langdon collectively agreed that the answer is no.

Councilman Dolan stated that he believed that the answer was yes.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Agricultural Resources – Proposed action may impact agricultural resources.

Collectively the Town Board agreed that the answer would be no.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Aesthetic Resources – The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

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Collectively the Town Board agreed that the answer would be no.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Historic or Archeological Resources – Proposed action may occur in or adjacent to a historic archaeological resource.

Supervisor Flach, Councilmen Masti, Burns, & Langdon collectively agreed that the answer is no.

Councilman Dolan stated that he believed that the answer was yes.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Open Space and Recreation – Proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space.

Collectively the Town Board agreed that the answer would be no.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Critical Environmental Areas – Proposed action may be located within or adjacent to a critical environmental area.

Collectively the Town Board agreed that the answer would be no.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Transportation – Proposed action may result in a change to existing transportation systems.

Supervisor Flach, Councilmen Masti, Burns, & Langdon collectively agreed that the answer is no.

Councilman Dolan stated that he believed that the answer was yes.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Energy – Proposed action may cause an increase in the use of any form of energy.

Supervisor Flach, Councilmen Masti, Burns, & Langdon collectively agreed that the answer is no.

Councilman Dolan stated that he believed that the answer was yes.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Noise, Odor and Light – Proposed action may result in an increase in noise, odors, outdoor lighting.

Supervisor Flach, Councilmen Masti, Burns, & Langdon collectively agreed that the answer is no.

Councilman Dolan stated that he believed that the answer was yes.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Impact on Human Health – Proposed action may have an impact on human health from exposure to new or existing sources of contaminants.

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Supervisor Flach, Councilmen Masti, Burns, & Langdon collectively agreed that the answer is no.

Councilman Dolan stated that he believed that the answer was yes.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Consistency with Community Plans – Proposed action is not consistent with adopted land use plans.

Supervisor Flach, Councilmen Masti, Burns, & Langdon collectively agreed that the answer is no.

Councilman Dolan stated that he believed that the answer was yes.

Attorney for the Town Wukitsch continued by asking if the following would be yes or no:

- Consistency with Community Character – Proposed action is inconsistent with the existing community character.

Collectively the Town Board agreed that the answer would be no.

Attorney for the Town Wukitsch stated that they had now completed Part 2 and then asked if they wanted to do a resolution adopting Part 2.

Attorney Brick stated that he had promised the Board some additional information regarding the research that he found relating to the archaeological and the threatened plant as well as the full Archaeological Report so they have it and he would ask that they review it and take it into consideration before they adopt a resolution on the SEQRA.

Attorney for the Town Wukitsch stated that they would be leaving it open for now.

Councilman Dolan reiterated that he wanted to thank Attorney Brick for providing the material that was compiled and laid out nicely and easy to follow.

Attorney Brick stated that the exercise that they just went through is time consuming and can be boring but it is extremely important to the project itself and it is important in their role to make sure that anything they do down the road, they have looked at all of the potential environmental impacts and addressed them. He concluded by saying that he thanked them for taking the time to go through it and he was speaking for his client as well.

Councilman Dolan stated that if the goal is to have the rezone happen, some of those questions could have been answered in a different way and explored more fully and they probably would have ended up with the same results especially based on the Judge's ruling about the care that the Board gave the last time to some of the questions and added that answering some of the questions without reading through them could be a disservice.

Attorney for the Town Wukitsch interjected that reasonable minds can disagree and the way the questions are framed are open to debate and then asked if there was anything else that anyone wanted to add.

Hearing none, Supervisor Flach moved to the next item on the agenda.

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**PROCLAMATION**

Supervisor Flach stated that a Proclamation was requested by the R-C-S Community Library for Mary Lou Youmans and continued by reading the following:

**WHEREAS**, Mary Lou Youmans was responsible for helping to shape the RCS Community Library; and

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**WHEREAS**, Mary Lou Youmans was appointed to the Ravena Free Library in 1990; and

**WHEREAS**, she secured and increased the funding for the Ravena Free Library in 1991; and

**WHEREAS**, she pushed the library to be a Special District in the Village of Ravena and Town of Coeymans, and this was approved by voters in 1991; and

**WHEREAS**, she successfully led the effort to transform the library into a School District Library in 1994; and

**WHEREAS**, she was honored twenty years ago by the Upper Hudson Library System as Trustee of the Year, and

**WHEREAS**, “her vision guided her Library through turbulent times and transformed it from Ravena Free Library into the RCS Community Library. She overcame disappointments and persistently negotiated the legislative labyrinth to achieve her goal of a School District Public Library for an expanded service area”; and

**WHEREAS**, the RCS Community Library will be celebrating in 20<sup>th</sup> Anniversary on Sunday, April 27, 2014.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby proclaim April 27, 2014 as Mary Lou Youmans Day in the Town of Coeymans.

Dated: April 22, 2014

Supervisor Flach signed the Proclamation and passed it to the other Board members to sign and thanked Councilman Dolan for writing the Proclamation.

Councilman Dolan stated that Rev. Antonio Booth, President of the Library Board of Trustees provided the information.

Supervisor Flach stated that he is a big advocate of the library and he uses it quite often and he is personally thankful for Mrs. Youmans in keeping a library in the community.

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**ADDITIONAL COMMENTS**

Supervisor Flach asked if there were any other comments, hearing none he asked for a motion to adjourn.

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**ADJOURNMENT**

Supervisor Flach asked for a motion to adjourn the Workshop.

**MOTION**

On motion of Councilman Langdon, seconded by Councilman Masti, the Town Board Workshop was adjourned.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time – 7:40pm

*Respectfully Submitted,*

**APPROVED** As Read May 12, 2014

  
Diane L. Millious, Town Clerk