

A Public Hearing was held Monday, April 28, 2014 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

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

ALSO PRESENT: Michelle Conte, Clerk for Town Clerk
David Wukitsch, Town Attorney

ABSENT: Diane L. Millious, Town Clerk

Supervisor Flach opened the Public Hearing and led the Pledge of Allegiance.

NOTICE OF PUBLIC HEARING

Supervisor Flach asked that Clerk Conte read the Notice of Public Hearing.

Clerk Conte read the following Notice of Public Hearing that was published in the Town's Official Newspaper, the News Herald.

**NOTICE
TOWN OF COEYMANS
TOWN BOARD
PUBLIC HEARING**

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of Town of Coeymans, on Monday, April 28, 2014 at 6:00PM at Town Hall, 18 Russell Avenue on Proposed Local Law #4 of 2014 as follows:

PROPOSED LOCAL LAW #4 OF 2014

A LOCAL LAW TO AMEND THE ZONING CODE AND ZONING MAP TO PLACE THE FOLLOWING PROPERTIES INTO THE INDUSTRIAL ZONE: TAX MAP PARCELS SBL#156.-4-6.1, 156.-4-12, 156.-4-5, 156.-4-6.2, 156.-4-8.2, 156.-4-9, 156.-4-10, 156.-4-13 AND 156.-4-14

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF COEYMANS AS FOLLOWS:

Section 1: AUTHORITY

This Local Law is hereby enacted pursuant to authority conferred by §10 of New York Municipal Home Rule Law, Article 16 of the New York State Town Law and Chapter 165 of the Town Code of the Town of Coeymans.

Section 2: PURPOSE AND FINDING

Properties known as Tax Map Parcels SBL#156-4-6.1, 156-4-12, 156.-4-5, 156.-4-6.2, 156.-4-8.2, 156.-4-9, 156.-4-10, 156.-4-13 and 156-4-14 located in the Town of Coeymans, most of which have been utilized for many years for industrial uses by previous owners and through the issuance of various Special Use Permits and Zoning Variances. This amendment to the Zoning Code and Zoning Map will bring the Code and map into conformity with the manner in which these properties have been utilized for years. This Amendment also implements the express recommendation of the Town's Comprehensive Plan to classify these properties to allow for Industrial Uses.

Section 3: AMENDMENT OF ZONING CODE AND ZONING MAP

The zoning classification for properties known as Tax Map Parcels SBL#156-4-6.1, 156-4-12, 156-4-5, 156-4-6.2, 156-4-8.2, 156-4-9, 156-4-10, 156-4-13 and 156-4-14 is hereby amended to Industrial (I-1).

Section 4: VALIDITY

If any part of provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances.

Section 5: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

SUPERVISOR'S OPENING COMMENT

Supervisor Flach stated that the Public Hearing was to hear comments from the public regarding the rezoning of 9 parcels of land from R/A-R/1 to I-1 Industrial and continued by reading the following:

Most of the uses of these parcels are already commercial/industrial and are adjacent to the zoned industrial of the Port of Coeymans and Lafarge. The zoning change was asked for in 2003 by constituents and the letter from the Planning Board in March 2004 was sent to the Town Board asking that this section of parcels be zoned industrial. The Comprehensive Plan was largely done as a result of this letter. As we are a Blue Collar Industrial based town, the economic development goals of the Comprehensive Plan was to develop a business friendly environment, promote development to stabilize the tax base while providing jobs and retain and improve the Town's commercial and industrial base as well as foster the development of tourism resources. We have recently signed a P.I.L.O.T. Agreement with Lafarge that ensures the building of a 400 million dollar more environmentally friendly plant and part of the new Tappan Zee Bridge will be built at the port of Coeymans, providing jobs, growth and adding to the history of our town. Ten years later the current Planning Board has recommended to the Town Board that this section of town be zoned industrial. As we endeavor to rezone this section of town, we will, along with State agencies and our Site Plan Review, monitor the future developments on this property. We will not be taking any action tonight so that we will have time to look through the minutes and make a decision at a later date.

I will call your name, please state your name and where you live for the record and if you would try to keep your comments to 3 minutes so that everyone who wants to, has the opportunity to speak. Once you are done speaking we would ask you to be seated so the next person has that opportunity.

PUBLIC COMMENT

Supervisor Flach stated that he has a document from Scenic Hudson that he would have the Town Clerk enter into the record and added that a copy is available.

Councilman Dolan suggested that he read the document while they are waiting for people to sign in to comment.

Councilman Dolan continued by reading the following:

April 25, 2014

By email: supervisor@coeymans.org

The Honorable Stephen D. Flach, Supervisor and Members of the Board

Dear Supervisor Flach and Town Board Members,

Re: Public hearing on the proposed local law to amend the zoning code and zoning map to place the following properties into the industrial zone: Tax map parcels SBL #156-4-6.1, 156-4-12, 156-4-5, 156-4-6.2, 156-4-8.2, 156-4-9, 156-4-10, 156-4-13 AND 156-4-14

Scenic Hudson, Inc. is a 51-year-old nonprofit environmental organization and separately incorporated land trust dedicated to protecting and enhancing the scenic, natural, historic, agricultural and recreational treasures of the Hudson River and its valley.

We are writing to provide comments on Local Law # 4 of 2014, which proposes to rezone nine parcels along Coeymans Creek for industrial use (I-1). We regret that we are unable to attend the April 28th public hearing. We respectfully request that, as part of the public hearing, this letter be read into the record.

Positive Declaration

Due to the environmental sensitivity of Coeymans Creek, Scenic Hudson urges the Town Board to issue a positive declaration and require a full Environmental Impact Statement for the proposed rezoning. A positive declaration and proper SEQRA review is necessary to ensure that the requisite hard look will be given to all potential environmental and community impacts of the proposed action, including the rezoning's consistency with the Town's adopted Comprehensive Plan.

According to the Comprehensive Plan, the Town seeks to "Preserve and protect the Town's water bodies and land that serve as important natural drainage channels, provide drinking water and function as wildlife habitats." The Coeymans Creek corridor is an aesthetic, recreational, natural, and economic asset to the community that is worthy of protection. The Comprehensive Plan expressly proposes to "Explore land use regulations to protect the Town's water resources, including but not limited to the Hannacroix Creek and the Onesquethaw/ Coeymans Creek." Further, it proposes land use regulations that may include overlay protection districts and/ or setback requirements for future development adjacent to the creek.

Natural Resources

The proposed rezoning area lies immediately upstream from the Coeymans/ Hannacroix Creek Complex, identified by New York State Department of State as a Significant Coastal Fish and Wildlife Area, which is critically important component of the Hudson River Estuary.

(http://www.dos.ny.gov/opd/programs/consistency/Habitats/HudsonRiver/Coeymans_Hannacroix_Creeks_Complex_FINAL.pdf)

This Area is noted in *Significant Coastal Fish and Wildlife Habitats* (NYS Department of State) for its particular importance as spawning habitat for several Hudson River migratory fish species:

The Coeymans and Hannacroix Creeks Complex offers significant spawning habitat for coastal migratory and resident freshwater fishes in the upper Hudson River. The sheltered nature of the lower creek channels and tidal coves provides favorable habitat conditions for a variety of fish species. The habitat is a valuable spawning area for alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), and white perch (*Morone americana*). The shallows are a valuable nursery area for larval fish moving into estuary from upstream spawning areas. In

addition, the shallow sub-tidal areas at the mouth of the Coeymans and Hannacroix Creeks serve as spawning sites for American shad (*Alosa sapidissima*), which concentrate in such areas between mid-April and June, as well as yellow perch (*Perca flavescens*), white suckers (*Catostomus commersoni*) and spot tail shiner (*Notropis hudsonius*).

Significant Coastal Fish and Wildlife Habitats cautions that upstream development, inappropriate riparian buffer degradation, and storm water runoff have the potential to significantly degrade this critical habitat area and should be avoided wherever possible. The Significant Coastal Fish and Wildlife Area designation specifically lists the following as impacts that would be inconsistent with maintain the habitat and NYS Coastal Policy:

- Any activity that would substantially degrade water quality, increase turbidity or sedimentation, alter flows, temperature or water depths in the Coeymans/Hannacroix Creeks Complex would result in significant impairment of habitat. All species may be affected by water pollution, such as chemical contamination (including food chain effects resulting from bioaccumulation), oil spills, excessive turbidity of sediment loading, nonpoint source pollution, and waste disposal. Discharges or runoff of sewage effluent, pesticides, or other hazardous materials into the creek could result in significant impairment of the habitat. Eutrophication caused by runoff from fertilizers, roads, and lawns is of considerable concern, as over-enrichment of waters may contribute to the establishment of invasive, non-native plants and concurrent displacement of the native flora.
- Substantial alteration of the stream channel, such as impoundment or creation of barriers to fish passage should be prohibited. Impediment to movement and migration of aquatic species, whether physical or chemical (e.g., dams, dikes, channelization, bulkheading, filling), should be prohibited. Plans to reduce or eliminate the impacts of existing hydrological modification should be developed, including improvements to fish passage, and /or the removal of obstructions or barriers. Habitat disturbances would be most detrimental during bird nesting, and fish spawning and nursery periods, which generally extend from March through August.
- Construction of shoreline structures, such as docks, piers, bulkheads, or revetments, in areas not previously altered by human activity would result in the loss of productive areas which support the fish and wildlife resources of the Coeymans/ Hannacroix Creek Complex. Construction of structures in areas previously altered may result in direct loss of valuable habitat. Elimination, disturbance, or alternation of riparian areas, wetlands, littoral zones, or mudflats associated with creeks, through the loss of tidal connection, excavation, filling, or bulkheading could result in the direct loss of valuable habitat. In addition, bulkheading or other shoreline modifications could indirectly result in loss of intertidal and sub tidal habitats by scouring habitats, and/ or precluding the gradual natural upslope migration of these habitats as sea level rises. Existing areas of natural vegetation and existing bordering woodlands should be maintained and where possible restored to provide bank cover, stabilize soil, maintain or improve water quality and provide buffer areas from development.
- The presence of invasive species and the expansion of their range within the habitat may result in changes in native plant, vertebrate and invertebrate species composition and abundance. In particular, expansions of common reed (*Phragmites australis*) have been correlated with reductions in populations of several marsh-breeding birds and declines in avian biodiversity. Effective control of invasive plant species, through a variety of means, may improve fish and wildlife species use of the area. Control methods, including biological controls and regulated use of herbicides must only be implemented, if other methods of control have been explored, and then only under permit with strict adherence to all precautionary measures to avoid impacts to non-target species.

The primary goals of such efforts must be recovery and maintenance of habitat for native fish and wildlife species.

Conclusion

Given the importance of the lower Coeymans Creek area the potential that industrial activities just upstream could result in the adverse environmental impacts listed above, we strongly recommend the Town Board issue a positive declaration in order to examine all the potential impacts the rezoning may have of Coeymans Creek and the surrounding community.

Please include Scenic Hudson as an interested party in the SEQRA review in order that we can participate in the environmental review for this action.

Thank you for your consideration.

Sincerely,
Jeffrey Anzevino, AICP
Director of Land Use Advocacy.

Supervisor Flach invited the first speaker to the microphone, Mr. Rick Touchette.

Rick Touchette – stated that he lives on Church Street in Coeymans and added that he sees in the “Purpose” of the Proposed Local Law that they mentioned special use permits for this property and last August he did a F.O.I.L. for any Special Use Permits for these properties and he found that there were none issued. He continued by saying that it also says a purpose will be to bring the map and Town Code in conformity with the Comprehensive Plan, which says in the first sentence:

“Throughout the planning process, residents continually focused on high a quality life in the town. For the most part, residents want to maintain the current land use patterns, preserve architectural diversity, create a stronger sense of place and continue to promote a separate, but solid balance between the residential, commercial and industrial areas.”

He added that it goes on to say:

The most positive feature of the town is the small town feel, open space and river front. The land use & zoning goals for the Comprehensive Plan is:

1. Preserve and enhance Coeymans existing rural, small town character while accommodating a balanced mix of agricultural, recreational, residential, commercial and industrial uses.
2. Encourage future development that minimizes negative impacts on natural resources, infrastructure, and neighboring uses in order to safeguard the health, safety, and welfare of the community.
3. The final goal for land use and zoning is to protect the community’s visual character and esthetics, especially along corridors and at prominent gateways.

He concluded by saying that he does not feel that this proposed law is in conformity with the Comprehensive Plan and he would urge the Town Board to take a long hard look at the negative impacts that the rezoning would have on the people that live in the Hamlet.

Supervisor Flach thanked Mr. Touchette and then invited the next speaker to the microphone, Rev. Antonio Booth

Rev. Antonio Booth – stated that he is Co-Pastor of the Riverview Baptist Church in the Hamlet of Coeymans on Riverview Drive and he and his wife, Reverend Dr. Roxanne Joan Booth are opposed to having the parcels converted to industrial, which have been used industrially for quite a while. He added that their first concern is that the industrial parcels are encroaching upon the property of the church as well as the houses on

Riverview Drive and they want to make sure that there is some type of a berm or some type of extension of green space that will preserve the quality of housing on that street so that they maintain their property values. He continued by saying that his second concern is they want to make sure that a bridge is put across and going into the Port because during the week those property owners on Riverview Drive watch trucks pass by their houses and the church every five minutes, which is a lot of heavy use that they think can be avoided with a bridge. He went on by saying that his third concern is that they want to make sure that they hold the industries coming in accountable and make sure that they are not bringing in solid waste and his fourth concern is that they want to make sure that the Town Board continues to oppose the City of Albany from even thinking about bringing in a dump to this area because they own property pretty close by. He continued by saying that lastly he feels as though the Town should hire a part-time City Planner, because he feels as though they need a professional who can help develop the housing stock in the Hamlet and develop the Hamlet as a viable economic Hamlet because it has a wealth of resources with the Marina and Yanni's and the number of boats that dock there. He concluded by reiterating that they need to hire a part-time City Planner who would be a professional and help them get on board with developing the Town and maintain the architectural housing stock as well as developing economically.

Supervisor Flach thanked Rev. Antonio Booth and then invited the next speaker to the microphone, Mr. Andy Brick.

Andy Brick – stated that he is from the Law Firm of Donald Zee, P.C. and they represent the original applicant for the rezone, Coeymans Recycling Center L.L.C. and they had originally applied for the rezone for the three parcels controlled by their client and the Town in its wisdom decided to add in the six additional parcels that were the subject of the rezone to an industrial area as part of the town-wide last year and it is how they got to this point. He continued by saying that he would first like to thank the Town Board for the effort that they made last week on Tuesday, when they went through, line by line the Long Environmental Assessment Form and debated the form, which was a nearly two hour exercise and he appreciates their effort. He added that the property, which is subject of the rezone, has probably been the most extensively analyzed property for potential environmental impacts in recent years and it was analyzed thoroughly as part of their client's application for a bridge across the Coeymans Creek, which was eventually signed-off on by the Department of Transportation, Department of Environmental Conservation as well as SHIPO after an extensive review comment period by those agencies. He went on by saying that it was also extensively reviewed as part of TCI's Site Plan Process last summer and also as part of the 2013 rezone there was an analysis provided for this particular section of town in the Environmental Review of that Proposed Local Law and as part of their application for the rezone, he submitted a number of detailed documents providing analysis of various aspects of environmental review that could be potentially impacted by the rezone in question and he wanted to quickly go through them briefly. He continued by saying that first they touched upon demographics and in summary they showed that the Town's population is declining but the unemployment level is rising, which is going in the wrong direction both ways and in terms of water they demonstrated that the need for water and the demand for water has been decreasing over the last seven years and they provided data from the Village's Annual Water Report that showed gallons pumped, number of connections and average daily usage, average maximum use and they showed that demand has reduced, which is likely tied into the population decline. He added that it is their understanding that the well pumping facility is operating far below its permitted capacity so there is water capacity available for any eventual development of the properties to be rezoned and in terms of sewer the same is true and they provided a section of the Town Engineer's Inflow and Infiltration Report, which demonstrated that their client alone, has saved through his reconstruction efforts of existing sewer lines, has reduced I&I into the system by 19 million gallons annually and 53,000 gallons a day have been reduced by their client's effort to reduce I&I and overall since 2001, the Town has reduced I&I significantly. He went on by saying that as you reduce I&I out of the system, it makes available capacity at the Sewer Plant and they believe that there is sufficient capacity based on the I&I reduction efforts alone to allow for potential development of the properties to be rezoned. He added by saying that in terms of an archaeological study, he had given the Town Board an Executive Summary of their Phase 1A and 1B that was conducted as part of the

bridge project and as requested by Councilman Dolan he has now given the Board a full copy of the report for the Town's records and in terms of historic resources they obtained a letter of no effect from SHIPO, relating to the bridge project and clearly the bridge is much closer in proximity to the Hamlet than any historic aspects than the rezone properties that are further away so if the bridge is going to have no effect that is right next to the Hamlet, they are moving further away.

Mr. Alex Lawler from the audience interjected loudly that he was well over his time.

Supervisor Flach stated that if he could not control himself, he would be asked to leave.

Mr. Lawler stated that he was in complete control.

Attorney for the Town Wukitsch interjected that when someone is speaking, he was to remain silent, just as if he were speaking and they would remain silent and then asked him to extend the courtesy.

Andy Brick continued by saying that the Lafarge modernization project was subject of a letter of no effect from SHIPO and it was his understanding that they are structured to be much taller than anything that would ever be allowed in the Industrial District. He continued by saying that in terms of traffic, the Capital District Transportation Committee, through DOT, has a section capacity analysis for Route 144, which he obtained from their website, and the section analysis for Route 144 from the intersection of Rte.143 to Rte. 396 in Selkirk is average annual daily traffic of 4,230 trips a day and the type of road that it is, it is recognized standard by DOT volumes and capacity that thresholds for that type of road is 5,000 trips per hour, which would be 120,000 trips a day and right now they have 4,230 and this would mean that clearly there is capacity on this road for traffic from the industrial properties.

Supervisor Flach asked that Mr. Brick conclude his comments.

Mr. Brick continued by saying that in terms of water resources, he provided to them a copy of the Onesquethaw-Coeymans Creek Water Study and he hopes that they take it in to consideration for their environmental analysis of this project. He concluded by saying that as someone had mentioned earlier, it has been over 10 years since the Planning Board in 2004 sent a memo to the Town Board recommending that the properties be rezoned to industrial and added that Mr. Touchette had read some goals of the Comprehensive Plan and he wanted to read some others and continued by reading as follows:

1. Foster the development of a vital business-friendly environment, both for existing businesses and new business enterprises.
2. Promote economic development that will expand and stabilize the Town's tax base while providing for a range of employment opportunities.
3. Retain and improve the Town's commercial and industrial base to expand the availability of goods and services to residents and tourists alike.

Mr. Brick thanked the Town Board.

Supervisor Flach thanked Mr. Brick and then invited Ms. Elyse Kunz to the microphone.

Elyse Kunz – stated that she lives in the Hamlet of Coeymans and continued by reading the following:

I believe this proposal is improper, I think it is very likely illegal and not in the Town's best interest. It is my understanding, and it was referenced earlier that this zoning change came at the request of the Port of Coeymans, that it refers to lots that form essentially one parcel of land and it's clear that the only benefit is to allow more development at the Port. However, according to New York State Law, when you rezone a parcel like this to the benefit of a single owner or a single development interest, it's known as spot zoning and

it's against the law. In addition the law stipulates that any changes as people have discussed, have to be consistent with the Town's Comprehensive Plan, I don't believe that it is. One example in the Comprehensive Plan is that it "encourages new housing development and small tourism and service-oriented businesses on undeveloped lands near the riverfront". This land is definitely near the riverfront, but creating a zone for heavy industry is not a zone for new housing, it will discourage small tourism and drive out service oriented businesses. So it's not consistent, that also makes it improper and illegal. I also object to the Town Board's role as Lead Agent for SEQRA. Your finding of a Negative Declaration, in my opinion has no basis in fact, when you look at what is being proposed and where it is sited. You clearly fail to take the requisite hard look and do your due diligence. From what I understand, when voting on the EAF, most of you with the exception of Mr. Dolan barely read the questions and were directed on how to answer by representatives from TCI. That is irresponsible, and I'm sorry to say illegal. Last year you proposed other zoning measures that also tried to change this land to industrial. Many people, including myself came here and told you what you were doing was not in compliance with the law and the New York State Supreme Court agreed, and here we are again with another zoning change. I'm sorry, it's still improper and it's still illegal, it doesn't matter if you think it is a good idea, I think it's a bad idea and you have to obey the law. If you proceed with this, there's only going to be more lawsuits as we've had already, more time, more money and more tax dollars wasted. To continue in that fashion, I believe is a disservice to the hard-working, law-abiding citizens of this community and I do think it is a bad idea. There are already, as someone who lives on one of the roads going to the Port, way too many trucks. Just the other night I lay awake in bed, two, three, four o'clock in the morning, listening to noise from the Port, people should be allowed to sleep in their homes. It's too close to the residential neighborhoods and the Hamlet, it is too close to Ravena, and it's too close to Pieter B. You are drawing companies to our Town like TCI that handle toxic materials; their safety record is so poor they blew up their last plant, that's not a positive step for the Town. It's all good to have business but you have to look at what businesses you are bringing here, this is not creating a zone to attract good business, it's creating a zone to attract the businesses that nobody else wants, and that's not a good step forward for this community. It's also going to hurt the property values. If you add up the property values of the residences in the Hamlet at the current assessments, it is rated based on your assessments at more money than you have the Port assessed at, so by the current tax assessments, most of the value in the Hamlet is in the residential housing stock. When you cause harm to that, you are hurting people personally and you're hurting the whole community, and that really hurts the School District. This is a very bad idea. Please, let's move in a different direction. Thank you.

Supervisor Flach thanked Ms. Kunz and continued by inviting Jo-Ann Segal to the microphone.

Jo-Ann Segal read the following:

I've been aware that over the last three years or so, most every change proposed for the industrialization of Coeymans has been by Mr. Laraway for the benefit of his businesses, or those that sublease from him. None of those actions over the past few years seem to be for the Town of Coeymans' general welfare, and nothing in this new zoning is for the benefit of the Town or its residents. There has been no compliance with our Comprehensive Plan; there is only compliance with the plan of the very industries that our Comprehensive Plan wants to avoid. I applaud Mr. Laraway in his business acumen and his talents for public relations, the results though, don't always help promote the image of how we want to be perceived as a town, and therein lays one of the problems. The Town Comprehensive Plan clearly states that we want to promote its small town feel and maintain our greatest asset, the waterfront, which should be protected and enhanced. It also states that one of the goals is to protect the community's visual character and aesthetics, especially along the corridors and prominent gateways. Anyone driving through the dust and debris out of the Hamlet, north on State Route 144, can see how the Comprehensive Plan is being totally ignored by those industries that care little for what we residents nearby are enduring. We are bombarded by noise and dust and dirt that we breathe every day that coats our cars and homes and seeps into our homes daily. Nothing is being done to mitigate this, but they continue on without caring that the Zoning Law

was overturned and the permit for a new Coeymans bridge has not yet been approved. They forge ahead because they know that this Board will approve whatever it is they request, at whatever cost to those of us residing nearby. Are we getting appropriate tax money for these industries? No, because of the backward way they are assessed. Are we getting good jobs or any jobs for that matter? No, because census statistics show that the majority of townspeople are in white-collar jobs, so these types of industries will do little for employment here. About a year ago, a meeting was held with some Hamlet residents, a couple of Board Members and Mr. Laraway, it was at this meeting that Mr. Laraway said that there were very few Coeymans' residents employed by him. Probably because there are very few Coeymans residents that do the jobs that his industry needs, so we won't even get jobs for those looking for them, and probably ones offered will not be permanent, full-time jobs with benefits. Another reason not to expand the Industrial Zone is that the Town can hardly afford to increase heavy industry and decrease its attraction to families, home buyers, and those businesses needed by residents. The Comprehensive Plan talks about the perception that we have in this area of the State, it calls for, in its economic development strategies, the Town's identity as a Hudson River Riverfront Community, the development of a proactive business attraction program that first identifies how we want to be perceived and includes pursuing businesses that correlate with its future vision. It also clearly states that we should promote the development of light industrial, commercial and warehousing, as well as computer and high tech businesses in appropriately identified locations. The plan calls for preserving the Riverview Shed, for 144 to be maintained as an attractive, undeveloped green space. Has that been adhered to recently? Have our property values gone up in the last six years? Have more and more families been buying homes in the Hamlet and Village of Ravena since these businesses have been here? I could go on and on quoting the Comprehensive Plan, to show how nowhere does it agree with this type of spot-zoning for a wealthy, politically connected few, nowhere does it state that we want to increase heavy industry. I am pretty sure you will not find anything in this plan that states we should give our most valuable resources over to a few businessmen by zoning in our Town for their benefit and ignoring the needs of homeowners and residents who will be most negatively impacted by this rezoning. I encourage all Town residents and the Board to read, and reread the Plan in full, it is easy to understand and it is most informative. I ask the Town not to rezone these nine parcels as industrial. Thank you.

Supervisor Flach thanked Ms. Kunz and invited the next speaker, Ms. Cynthia Kunz to the microphone.

Cynthia Kunz – stated that she lives in the Hamlet of Coeymans at the bottom of the hill and added that with all of the rezoning, it reminded her of the Comprehensive Plan, which she had the opportunity to sit in on all of the meetings and it was a fascinating experience. She continued by saying that she does not know if anyone else present was there or not but it was wonderful and it was residents from the entire town, every area of the town was recognized and one of the most important things for her was that it was a broad base of people and they had one of the high-school classes that participated in it. She added that it was a real interesting perspective of our town and what is the dream for our town, which is basically what the Comprehensive Plan is, it's an approved plan for the future and one thing to remember about the Comprehensive Plan, is that it was a balance, no one goal was more important than the other, it was a balance. She went on by saying that they looked at all different aspects of life in the Town Of Coeymans and they looked at the natural resources and in sitting on the Hudson River, it's one of the greatest natural resources in the United States and they sit on it and have riverfront on it in addition to two beautiful creeks, the Coeymans Creek and the Hannacroix Creek and they look at those things. She continued by saying that they look at the economic needs, housing stock, history, which most towns would die to have with the entrance into Rensselaerswyck and they also looked at the topographical area in the Town of Coeymans, which is wonderful. She added that the viewshed that you get in Coeymans Hollow right down to the river along the Hudson, is what made the Hudson River painters famous such as Thomas Cole and they talked about these things when discussing the Comprehensive Plan and all of these parts made up the whole, there was no one thing that was more important than the other. She went on by saying that they recognized the footprint of heavy industry and they would pour over the maps, and once you see a map and see how much the cement industry has, and the quarries, it's a tremendous footprint

in our town and one of the things that they talked about is what you do with the footprint of heavy industry, which is basically an intrusive use and they asked how you blend this with the less intrusive, which is our homes and then how to make our homes a sanctity, which is important. She continued by saying that one of the ways that they talked about doing this, was to use light industry so you would have heavy, light and they you would have a buffer of green space and then less intrusive uses, which would be our homes, our schools, etc. and this would be the pattern and an example of light industry that they have in the Hamlet is Dick Tracey's welding, a perfect light industry and this should be the type of industry in the band between heavy and residential, or the schools, etc. She added that she senses from what she is hearing is that this balance seems to be ignored and she wanted to give a memorandum to the Board and she wanted to read it for the record and continued by reading the following:

This is submitted to the Town Board in opposition to the proposed zoning change to the designated certain lands from RA to Industrial. This submission is filed with the Town Board as part of the public comment and is requested to be part of the Town's official file in the pending rezoning proposal. The proposal by the Town of Coeymans is spot zoning; it's taking vacant land as industrial. This is not keeping with the Town of Coeymans Comprehensive Plan, which recommends that these lands be rezoned for light industrial use, because the proposed Zoning Law fails to define light industrial use. A limitation for light industrial use is to allow land uses, which can be integrated next to preexisting residential neighborhood. This is precisely the situation in Coeymans, where the proposed area of zoning abuts residential neighborhoods in the Village of Ravena and the Hamlet of Coeymans. The Town's Comprehensive Plan directs that industrial use permitted on lands must not adversely impact the abutting residential property, and hence the reason to use light industry. As has been stated, and I quote, "the primary use of a Light Industrial Zone is to provide high quality, light industrial development that operates in a manner that there is no nuisance factor created or apparent outside the enclosed building", it is for this reason that light industry is permitted near residential areas. A nuisance has been described, and I quote, as the right thing in the wrong place; like a pig in the parlor, instead of the barnyard, and that's Euclid vs. Ambler Realty Company, US Supreme Court, 1926. The uses allowed in a Light Industrial Zone cannot impact any surrounding properties through loud noise, vibration, noxious fumes or hazardous byproducts. An example of the right use in the wrong place is the Port of Coeymans, which clearly adversely impacts surrounding properties through noise, vibration, 24-hour operations and undue truck traffic. If the proposed rezoning fails to define this land as permitted for light industrial use, it violates the Coeymans Comprehensive Plan. It is submitted the proposed rezoning should limit the land use to "Light Industry", which should be defined as follows:

"Industrial uses that do not require heavy machinery, produce finished products from partially processed materials, produces products with high value per unit, weight, require minimal raw materials, require limited power, have no adverse environmental impacts, produce no noise or vibrations or fumes outside the building in which it is located, require limited truck traffic and do not adversely impact on the surrounding residential neighborhood."

An example of a light industry in this area could be found in Coxsackie with the Seely Plant or right here in Coeymans with Dick Tracey's Welding.

Respectfully submitted,
Cynthia Kunz

Supervisor Flach thanked Ms. Kunz and invited the next speaker, Ms. Bonnie Shufelt to the microphone.

Bonnie Shufelt – stated that she lives in the Hamlet of Coeymans on South Main Street and continued by reading the following:

Forty-two years ago my husband and I moved to Coeymans. We were looking for a house, which would embrace both rural and small town elements. We didn't mind the daily commute; it was a pleasant drive along Route 144. Unfortunately, that changed with

the recent rezoning and development of the Port of Coeymans didn't it? Today, instead of enjoying the natural beauty along the Hudson River, we see berms, towered over by huge piles of dusty construction materials, which are proving to be horrible for my asthma and allergies. When I drive through that area, I usually have to take a puff. Today, Route 144 is all torn up with additional traffic of those 10 – 18 wheelers, loaded to the gills with heavy construction or recycling materials from the Port of Coeymans, and/or the other companies within the zone. Be concerned about the safety of the citizens of the Hamlet of Coeymans, take into consideration that underneath Main Street lays water and sewer pipes that are over 42 years old, as well as a natural gas line. And we have heard of towns that blow up, haven't we, with natural gas lines. As those heavy construction trucks and other trailers are going through the Hamlet, when they reach South Main Street, Route 144, their speed picks up, and neither houses nor children are safe. In this 341 year-old Hamlet, houses were built before the roads were, and my house is a pre-1840 house, which actually shakes when trucks go by. We're built on a hill, the hill going down to the marshland to the river, treasured antique windows in my house have been cracking and this winter, cracks appeared above the door of a room facing the road. Could it be an indication of shifting foundation? Which just three years ago passed inspection when I had a homeowner's inspection. As a grandmother and former elementary and early childhood teacher, I am quite concerned about the children in our hamlet, those visiting, my own grandchildren on the streets, especially those I said. Our sidewalks are totally inadequate to serve as any barrier, or even as a marking for the sidewalks. Many teens and older people walk right in the streets because the sidewalks are such a wreck. It has nothing to do with traffic, but what I'm trying to say is that we're completely inadequate for this heavy traffic on our streets. It's not even safe for citizens going to the post office for their mail. I would say, let's make Coeymans a safe community that would attract people, who as people like myself get older, will bring their families here, as my husband and I did in 1972. Let's deal with current problems that we have with truck traffic, safety and air pollution caused by the previous changes to our zoning, rezoning properties for more properties for heavy industry is completely unreasonable for the citizens of this hamlet who are adversely affected by many unresolved issues with its current zoning. Please do not rezone an additional nine properties for heavy traffic. Thank you.

Supervisor Flach thanked Ms. Shufelt and invited the next speaker, Mr. Donald Zee to the microphone.

Donald Zee – stated that he is the attorney for, like Andy Brick, several property owners which are seeking the rezone and added that he wanted to point out a couple of misstatements made by members of the public with regard to calling the request for a rezone to be illegal because it is spot zoning. He continued by saying that he respectfully disagrees in light of the fact that with regard to the Comprehensive Plan of the Town, that the mapping and the proposed rezone maps that were submitted in part, that were prepared after the Comprehensive Plan, is part of the plan that the Town adopted some years ago and that voids the argument with regard to spot zoning. He went on by saying that secondly he wanted to point out that a lot of people talked about the Port of Coeymans and the Port of Coeymans is not seeking to be rezoned because it is already zoned Industrial and he begged to differ with the last speaker who said when they came here, there wasn't all of this industrial development because P&M Brick was a brick plant for well over 100 years, along the Hudson River and along Rte. 144 probably long before most of us were born here or came to this area and it was zoned industrial, it has been industrial and it continues to be industrial. He added that with regard to one of the members talking about the good use with regard to the Tracey property and they agree that the Tracey property is a nice use but that parcel is not zoned Industrial, it is a non-conforming use and this is one of the reasons why he believes this Town Board and various applicants have said to rezone it so if Mr. Tracey ever stops his operation, or wanted to sell his operation or even expand his operation, he could because under the current provisions he can't under the current zoning. He continued by saying that one of the other persons talked about the Comprehensive Plan and the desire for housing and he wanted to give a little history that Carver Laraway and himself have been involved in various projects representing him or representing builders, which he put in infrastructure for, for over 25 years and Carver Laraway and Elias Weiss, who bought the P&M Brick Plant were not industrial developers and they had no interest in developing the land for the Port of Coeymans. He went on by saying that he remembers sitting for several years

talking to home builders and land developers throughout the Capital District and for those who don't know him, he represents approximately over the past several years, 20-25 home builders and he works for Charlew Construction, Traditional, Amadore, Marini, Michaels Group, etc. and he showed them all this piece of property and Carver in addition, does work for Masullo Brothers, Bordeau Development, Rosetti and all these people looked at the Port of Coeymans for housing, which is what the residents wanted and no one wanted to build homes in the Town of Coeymans. He added that they also know that the Trickey property has been vacant, Frangella Mushroom was operating there for a substantial period of time and then ceased their operation and that property has been vacant and not utilized for 20 plus years. He continued by saying that there was a big housing boom during the 2000's and he recalls a subdivision just less than 15 miles north of here in Bethlehem called Dowerskill and one of his clients, Charlew Construction Company built and sold 215 homes in two years and they were looking for land but nobody ever wanted to come down to Coeymans and when people stand there and talk about wanting housing, they had an opportunity to come to Coeymans but nobody came. He went on by saying that when you talk about the balance that is requested and called for in the Comprehensive Plan, in looking at a chart, which is labeled Table 1, Land Use Coverage in the Town of Coeymans including the Village of Ravena, it should be pointed out that the zoning uses that include housing of the variety of housing types, constitutes 63% of the parcels in the Town of Coeymans and Ravena, the industrial zone properties constitute 1.54% of the parcels and if you look at the vacant land, that constituted 21.24% of all the parcel in the Town of Coeymans and Village of Ravena so when you are talking about balancing, based on the number of parcels, there is really an imbalance. He continued by saying that he thinks the Town Board, when preparing the Comprehensive Plan, looked at that issue and this is why in part, they talked about increasing or promoting these industrial type uses.

Supervisor Flach asked that Mr. Zee wrap up his comments.

Mr. Zee continued by saying that the only other thing that he wanted to point out, and one of the gentleman had indicated that he couldn't find the information, or they didn't receive it from the Town with regard to all the Special Use Permit Variances, he did want to point out to the Town that they prepared a tax map of the parcels that they are looking to and subject to the rezone and they pointed out where the Port of Coeymans is, which is already industrially zoned. He added that on the tax map they listed the various uses, which would be in violation of the Zoning Code but for use variances that were granted in 1988, 1999, the Special Use Permit granted in 1996, the Use Variance granted in 1985, the fact that the adjoining property in the Village of Ravena was used as its compost and brush dump. He concluded by saying that for these reasons, he believes that with the existing uses or the permitted Special Use Permits and Use Variants that are in existence, this is really just putting into effect what has been previously approved by the Town and its various Boards and he wanted to enter that for the record, which they were able to find in the Town Hall records.

Supervisor Flach thanked Mr. Zee and continued by inviting the next speaker, Ms. Barbara Heinzen to the microphone.

Barbara Heinzen – stated that she brought along and prepared for their consideration a bundle of material to look at but she would go through it first and she wanted to add to some of the points that have already been made. She added that as many people had stated, their reason for asking for this zoning amendment is that they believe that this area has been an industrial use for many years and its conformance to the Comprehensive Plan, which people have already addressed, which she will also make a few comment on and the third point that she wanted to make was that there has been work already on the Environmental Assessment Form and they have been busy ticking boxes all over the place but she is not sure that they have had a serious discussion or a hard look. She continued by saying that she believes that it is a zoning change that will require an Environmental Impact Statement and it should be given a Positive Declaration and zoning modifications for land as much as this is, are automatically assumed to be a Type I action so therefore, a Positive Declaration should be their first decision. She continued by saying that on previous industrial uses, first they rely on this collection of Special Permits and Zoning Variances but she wanted to know what portion of the land area of

these parcels was actually an industrial use and for how long it was industrial use because some of those uses fell out and stopped and when you look at an aerial photograph, the satellite image of this area is covered in trees and in her experience, trees take a very long time to grow and then asked how they have all those trees on a place that's been an industrial use and there is reason to doubt that this area has been industrial for a very large number of years and she questions their conclusions. She went on by saying that with consistency of the Comprehensive Plan, there is a 2005 existing zoning map that was attached in Appendix A of the Comprehensive Plan, which covers the area to be rezoned, or would like to rezone and that area, as they know, is currently zoned as residential and agricultural and having studied the Comprehensive Plan she sees no text that calls for this particular area to be rezoned for heavy industry nor does the Comprehensive Plan increase the total area under industrial zoning, or convert any non-industrial areas into the Industrial Zones. She added that perhaps they had read the Plan more closely than she had and they can point out her mistake but she had not seen any text that is consistent with what they are claiming and in fact as many people had pointed out, the Comprehensive Plan makes numerous references to goals that are completely contrary to the impact of this new zoning and many have already been mentioned. She continued by reading the following:

Land Use and Zoning Goal 3 – Protect the community's visual character and aesthetics, especially along corridors and at prominent gateways, which includes this area on Route 144.

Land Use and Zoning Strategies, Hudson River Viewshed – Consider land use regulations to preserve the Hudson River Viewshed.

Ms. Heinzen asked where that applies to what they are proposing and continued reading the following:

Natural Resources, Strategies and Scenic Byways – Designate Route 144 as a scenic byway. This would make additional funding available to the Town for preservation and revitalization efforts and attract tourists to the community.

Ms. Heinzen stated that in fact there is a major emphasis in the Comprehensive Plan on using a tourist industry as one of our major economic development strategies and when you trash the riverfront, you make that almost impossible. She continued by reading the following:

Economic Development – Promote the development of light industry, commercial and warehousing, as well as computer and high tech businesses in appropriately identified locations.

Explore Land Use Regulations – To protect the Town's water resources, including, but not limited to the Hannacroix Creek and the Onesquethaw/Coeymans Creek.

Ms. Heinzen continued by asking how building heavy industry along the lower reaches of the Coeymans Creek protect the watershed and added that they must be dreaming. She went on by saying that as she understands it, a number of residents contributed to the Comprehensive Plan and to say that the proposed law being debated here will encourage economic development, is to misread the Comprehensive Plan and the Plan saw the economic future of the Town as one where existing heavy industries would be allowed to stay, but new economic activities would be based on light industry, high tech services and tourism. She added that the Comprehensive Plan also called for the creation of a riverfront community, including the development of the former P&M Brickyard as part of that riverfront community and she can accept that Mr. Donald Zee is correct in saying that nobody wanted to build houses here and then said that she wanted to know why they did not want to build here and possibly it was because the governance of this Town is so bad that nobody trusted it to keep their investments secure. She continued by saying that she does not know why the Comprehensive Plan proposal for the riverfront community was replaced by heavy industry, especially those now operating at the Port of Coeymans and that the current activities of the Port, and the proposed rezoning of the land west of Route 144, is contrary to both the spirit and ambitions of the Comprehensive Plan agreed

by many, many citizens of this town and then suggested that they reread the Comprehensive Plan, as others have already proposed. She went on by saying that a Positive Declaration is required under the SEQRA laws and not only is it a Type I action by its very nature, it's both, in terms of the zoning proposal and the amount of acreage involved and in the packet that she was going to give them, there are several things that they might want to read, if they can bring themselves to read anything and there is a note on the history of Coeymans Landing and continued by reading the following:

"It is clear from just cursory research that Coeymans Landing is of unique historical importance. Few communities can lay claim to the deep historical ties that Coeymans has. The potential of the housing stock, if fully restored, is enormous".

Ms. Heinzen continued by asking why they are trashing it and added that there is also a statement on water and sewage and the former Mayor of Ravena has stated:

"Coeymans Recycling argues that there's enough excess water available in Ravena to support CRC's proposed industrial development".

Ms. Heinzen stated that she disagrees and does not believe that they can supply enough water for industrial use and added that the Mayor also states that we should not be using potable water for industrial processing, which at the moment we have no idea what industries are going to be put on this land and we don't know what water demand there will be but we are assuming that somehow all of this will just materialize. She continued by saying that they have already heard or they will be hearing, possibly from Barbara Lebrecht, whose statement is also included and continued by reading the following:

"There have been no studies of increased roadway usage on Route 144 and 143 by heavy duty trucks south of the junction from 143, or along the road up through Ravena. I do not find it unreasonable to believe that the increase number of heavier trucks using these roadways have had a serious impact on our local public water and sewer lines".

Ms. Heinzen continued by saying that there are some impacts on the history, the water and sewage and there are serious questions that require a positive declaration. She added that she has included five articles and print outs from the internet on the coastal fisheries and the Hudson River sturgeon and she also included a map showing that the Coeymans Creek, Hannacroix Creek and Schodack Island are significant coastal fish and wildlife habitats and she has not heard a single word on the impact of this development on these habitats and anyone who is a fisherman and goes fishing for stripers around here will appreciate it is we protect this resource. She went on by saying that attached to that, there's a 2012 assessment of the Coeymans/Hannacroix Creeks Complex done by Coastal Fish and Wildlife, a statement from the New York Heritage Society website on the value of freshwater titled creeks, which includes the Coeymans Creek, a printout from the Fish and Wildlife Service website describing the upper Hudson River estuary in this locality as a habitat for the shortnose sturgeon and Atlantic sturgeon, both endangered species and then asked why they have not considered the impact of this development on them. She added that she also has a 2012 article from Environmental Toxicology and Chemistry, which she confesses that she has not read and it describes the toxic effects of PCB 126 and another industrial chemical, on both species of sturgeon and their ability to reproduce. She continued by saying that these maps and articles all point to the need for the Town of Coeymans to make a positive declaration on the proposed rezoning of these nine parcels which straddle the Coeymans Creek and all the submissions point to the valuable, historical, environmental heritage we have and several point to the potential impact on local services and the quality of life and without a comprehensive review of such impacts as required by an EIS, we cannot know what the consequences will be if creating a new heavy industrial zone in this area of the town. She concluded by saying that she believes that they know that the zoning amendment is contrary to the Town's own Comprehensive Plan and that the area was never an industrial area as claimed by Donald Zee, unless he counts trees as an industrial activity and she urges the Town to issue a Positive Declaration before proceeding further with this new Zoning Law and she respectfully submits all the material and a copy of her letter to the Board.

Supervisor Flach thanked Ms. Heinzen and then invited the next speaker, Mr. Alex Lawler.

Alex Lawler – stated that he was raised in Coeymans and five years ago returned home, purchased a home and restored an old colonial in Town and currently he is a premed student at SUNY Albany, with a current focus in advanced organic chemistry and human disease. He added that PCB 126 also destroys the reproductive capabilities in adolescent women and continued by reading the following.

I have done much research in the chemistry of PCB's and their effects on the increased incidences of various cancers, both in animals and people, as well as serious life-long developmental disabilities amongst children. I find it highly suspicious that this town would welcome an industry that deals with such highly toxic organic pollutants, let alone illegally approve its location in such close proximity to a creek, river, its citizens and an elementary school. For the record, I would like to voice my concern over the ignorance of this Town Board and its disregard of the matter. PCB'S are highly toxic, as are TCI facility fires. The Coeymans Volunteer Fire Department simply does not have the experience or capability to safely handle such an incident. They are not qualified, and should not be exposed to potentially carcinogenic, organic pollutants, especially at elevated temperatures. This is one of the main reasons Athens wanted nothing to do with them. It is also totally unethical that this Town Board receives legal counsel from an industrial toxic waste company on environmental issues. This is such an obvious conflict of interest and reeks of corruption. And what better way of gaining support of the Town Planning Board, than to force anyone who disagrees with you off, and appoint Buddy Irwin, a convicted felon on counts of bribery, fraud and illegal dumping. This too is completely unethical and a total conflict of interest. It is my belief, and one shared by many, that this Board is in collusion with Carver Laraway and TCI to create an illegally-zoned industrial area surrounding Ravena and Coeymans. It is obvious you are not acting in the best interests of this town and only have the financial interests of Carver Laraway, and most likely, yourselves in mind. He is unfairly assessed for taxes, putting an economic burden on the rest of the taxpayers in this Town. Everyone should be well aware that if the Port was correctly reassessed, their taxes would decrease and the Town's tax revenue would rise. This used to be a quiet, peaceful town, now there's constant noise and dump truck traffic. I have lost count of the number of times I have seen uncovered trucks, or how many times I've been cut off by them. They're destroying our roads, which are now in the worst condition they have been in years. Next and I feel it's related, I would like to address the complete lack of building code enforcement by Mr. Conrad. I have provided you with photographs of over 20 dangerous building code violations, all in plain view, which have remained unenforced for years. Many of these are rotted second and third floor structures, which are used and passed under by children every day, some of these are even at bus stops. Eventually, these structures will fail and someone will be seriously hurt. Going forward, if these violations are not addressed in a timely matter, I will pursue this with state enforcement, as well as several contacts in the media. I will provide photographs, and gladly explain how this Town Board and Mr. Conrad have allowed absentee slumlords to avoid making necessary improvements required by law to be in compliance with Building Code. This is a complete exploitation of the low income residents of Coeymans and another example of this Town Board's willingness to jeopardize the safety of its residents and their children. Whether it is negligence, incompetence or indifference, Mr. Conrad has failed miserably in his duties, of which he was never qualified in the first place; he was not a builder or an engineer. He did, however, find time to stop by my house and harass me over the distance between my front step spindles. We all know where to find him though, on the clock, at the diner, wasting taxpayer money, a totally corrupt and incompetent Town employee.

A member of the audience stated that he already said that and asked that he get on with what he had to say.

Supervisor Flach hit the gavel.

Mr. Lawler stated that he had a right to speak and continued by reading the following:

Lastly, I would like to comment on the totally inappropriate raise you have recently given yourself, Mr. Flach. You knew what the job entailed when you took it, you knew the compensation, and the budget had passed. That \$15,000.00 could have gone to some

actual good; instead you chose to line your own pockets. There is more corruption and incompetence on this Town Board than I thought was possible. You are not qualified to handle the difficult and serious task of running a town and you should all be impeached and replaced with capable, qualified people who actually care about Coeymans. Again, you should be deeply ashamed of yourselves, that's all.

Supervisor Flach thanked Mr. Lawler and then invited the next person to the microphone, Mr. Roger Downs.

Roger Downs – stated that he lives on River Road in New Baltimore and he is the Conservation Director for the Sierra Club, Atlantic Chapter, that is the New York Chapter of the Sierra Club and they are a volunteer led organization of 37,000 members state-wide. He continued by saying that on behalf of his organization, he would ask the Town Board to carefully consider the changes that they are weighing and he would ask that they issue a Positive Declaration of significance for this action, which is a Type I Action that requires an Environmental Impact Statement. He added that they should weigh the issues very carefully before they consider voting on Local Law #4 because just looking at the site, which he knows reasonably well because he kept a shad boat there for a decade while he was doing research on the Hudson, the site has highly erodible soils, 50% of the site has slopes over 15% and it is a very challenging site for an industrial area. He went on by saying that he understands that they want to add more industrial activity to this site, or to this town but this is a very poor site to pursue this goal and he admits that he has not read the Comprehensive Plan but has listened very carefully and he would be interested in reading it because it sounds like it may be in conflict with the Comprehensive Plan. He continued by saying that in considering this site, the Scenic Hudson outlined the ecological considerations very well in that this is an incredibly ecologically rich area and they have a robust shad run here, or they use to, it is decline as well as have the an endangered species here, the shortnose sturgeon but not the snubnose sturgeon as the Environmental Assessment Form indicates. He added that the Atlantic sturgeon are very important, but what Scenic Hudson didn't say, and he thinks it's important to note, is that it is really these fisheries, which he loves as an ecological resource and an economic generator for the Hudson Valley and for this community and if you go out right now, it's the boom of striper season and you will see 60-70 boats at any given point on the Hudson right now and he would defy them to stand on any beach right now and not see all those bass boats out there. He went on by saying that there are tens of millions of dollars pouring into the Hudson Valley and one big toxic spill from one of these heavy industrial uses that they may allow here could cause some real die-off to some of these spawning grounds that could impede this great ecological resource that has taken a long time to come back so he really thinks that studying this appropriately before they move forward is in their own best interests. He continued by saying that he thinks another concern of his is access, even with the new bridge he thinks access to the site if there is an some emergency or fire, it is constrained and very difficult and he passes through this community every day from New Baltimore to Albany and back and he is always found waiting behind an awkward hairpin turn. He added that the proposed bridge, which he understands does not have approvals yet will relieve some of that but many of them got to see the aftermath of the Ghent fire for TCI in 2012, which was a catastrophe and when he saw that he thought to himself that this is a corporation that will never be able to operate in New York again and never did he think that they would be able to be permitted here just a community away from him where he is raising two small children that he cares dearly about and that they would be able to move in without so much as an Environmental Impact Statement, or get zoning changes without that kind of consideration and this is of great concern to him. He went on by saying that he thinks that they have to go through the exercise of planning and failure to plan, is a plan for failure and he has to ask why they wouldn't take the opportunity to conduct a full Environmental Impact Statement, because ultimately they are going to have to plan out with all the slopes, where the drainages are, how they combat soil erosion and how to have collection basins if there is a contamination event or a truck spills whatever it is carrying. He concluded by thanking the Board for the opportunity to speak and reiterated that he would urge them to do a full Environmental Impact Statement.

Supervisor Flach thanked Mr. Downs and continued by saying that anyone that didn't have a chance to speak and would like to speak who may have come in late, could speak now.

Carver Laraway – stated that he is the owner of P&M, Port of Coeymans and he didn't know if everyone present knows that he feels it's a good fit, it is good, clean warehousing with a lot of Thruway exposure and it would be good to develop some of that intermediate from the heavy industrial, Lafarge type plant into this. He continued by saying that with the bridge going across, it separates the industrial from the residential with a berm there and to the south it would keep it residential and to the north, it would be the industrial zone, fitting in with everything else that's been going on there. He added that in 1960 there were 700 people working at Lafarge and now there are 113, and at the Mushroom plant there were 100 plus and now there are zero and P&M was closed down in 2001 and there were 150 plus doing 67 million brick a year and it was the last running brickyard in New York. He went on by saying that now there are 100 plus men working there and with the Tappan Zee bridge being built there, there will be 300 jobs, which he thinks is a good thing for this community and it is good and clean and not toxic waste and they are also looking at doing some warehousing across the street and it will be good, clean warehousing with a lot of exposure from the Thruway, which most people would want. He continued by saying that the bridge is a commitment on his part, he didn't have to do it but he stepped up and said he would do it and they also had Workshop Meeting with several people, Barbara Heinzen, Sylvia Lawler and Mr. Lawler were there and Mr. Lawler said that he would buy the three houses just south of the bridge and pay for them and his job would be to take them down and make a park out of it, they shook hands, it was a good deal and he said that he would do that for the community but at the next meeting he said he changed his mind. He added that they have all put money into the area, they are putting their best foot forward and they feel that some industry with the residential will get the Town back to what it used to be, a thriving community and this is his angle on it, he is not here to better myself, this is what he is and what he comes as and he takes to heart some of the things that some people say about the community and the Town Board and people should step up and do something about it. He continued by saying that they talk about the areas of slope, which they have taken into consideration and it's in their exhibit on their plan and any of the high slope areas are not going to be affected at all with the warehousing and it basically is back up where the mushroom building was, which was industrial or agricultural, whichever they want to call it, for years. He went on by saying that he works well, he has offered to work with the neighbors and he has offered three, four, five times to sit down and go over a plan so that he can help the community with some of the improvements that they can do for the community and right now they are working on getting water improved into the Village where everyone knows that if they had a fire in the Village, it would be a problem right now and they need to improve the water lines going into the Town and then asked if they wanted to raise taxes to do it, which he doesn't think that they do. He concluded by saying that it is all he had to say and he appreciates that he could say it and that he is for the expansion.

Supervisor Flach thanked Mr. Laraway and then asked if anyone else wished to speak.

John Bruno – stated that what the Town Board does, is their business and continued by saying that his question to each Board member is if they were aware of Andy Brick's figures on the I&I that was taken out of the system and then asked why the Village of Ravena and Town of Coeymans are under a moratorium and why they cannot build in either the Town or the Village and then asked where the numbers came from and if the Town Board knew them. He added that the Port of Coeymans was never denied water but personally he cannot see using potable water for industry and he is sure that the Port of Coeymans wants to be a good neighbor and proof of that is he wrote a letter to a Sergeant James Allendorph dated June 24th with his concern about traffic on Main Street in Ravena where the main water and sewer lines and the laterals are and shortly after that he received a letter from a Anthony Cardona and continued by reading the following:

“Please be advised that I represent Carver Sand and Gravel, LLC, with respect to the letter you wrote to Sergeant James Allendorph, dated June 24, 2013. The statements contained in your letter, as well as the statements that you have made to individuals and businessmen in the community are untrue and defamatory.”

Mr. Bruno interjected that he didn't know what businessmen he was talking about and continued by reading the following:

"You are making these statements maliciously to injure Carver Sand and Gravel and the entire operation of the Port of Coeymans. As such, they are defamatory, per se. Additionally; you are making statements, both within your capacity as Mayor of the Village of Ravenna as well as in your individual capacity, subjecting the Village of Ravenna and you individually, to liability. You must cease and desist from making these statements. Failure to comply with this direction will result in my immediately pursuing any and all civil claims against you individually and members of the Board of the Village of Ravenna".

Mr. Bruno continued by saying that this is a good neighbor and added at that time he was Mayor and he is concerned with the Village residents as well as with the Town. He concluded by saying that they should make their decision as a good neighbor.

Supervisor Flach thanked Mr. Bruno and then asked if anyone else wished to comment.

Bill Better – stated that he is an attorney from Kinderhook and he represents TCI and he came to observe the goings-on in the Public Hearing and he felt as though there were some comments that he felt he needed to address. He continued by saying that TCI is not an applicant for the rezoning, they are not a petitioner and they are not an interested party in the rezoning proceeding that they have before them and that TCI has a valid Site Plan Approval that was received on or about September 3, 2013 to build its new facility here in Coeymans. He added that it's a 30,000 square foot production facility with approximately 5,000 square feet of office space and they began construction in February and reiterated that they had the approval from the Town of Coeymans Planning Board, after what he thought was the most thorough review that they had ever conducted and it included having a separate engineer review the matter at his client's expense. He went on by saying that they also had an approved Storm Water Management Plan from the Department of Environmental Conservation and an exhaustive review by the State Historic Preservation Office and they have a state-of-the-art fire suppression system that the local fire companies reviewed and are very enthusiastic about it. He continued by saying that they look forward to being fully operational around August 1st, they have become part of the community and they have employees that live here now, they made a generous donation to the local library and they are looking forward to a ceremonial ground-breaking taking place at the gazebo down by the river on May 19th, which they are all invited to. He added that there were some irresponsible and inaccurate comments made and he normally ignores them because when you hear them, you figure out that they aren't accurate but he also believes that if a lie is said long enough and loud enough and often enough, some people will believe it and one comment made was that his client blew up in Ghent, which was actually a catastrophic fire that was deemed by the New York State Office of Fire Prevention and Protection to be caused by accidental means. He went on by saying that his client was never denied a permit to rebuild in Ghent and after the fire they looked around for other locations and were most impressed with the facility and prospects here in Coeymans, which is why they decided to come here and after the exhaustive Site Plan Review, they got their permit, started building in February and are looking forward to completion in August and being fully operational. He continued by saying that they do not deal in toxic waste and they are fully permitted by the New York State Department of Conservation and they have an exemplary record with them and they dismantle and dispose of transformers that otherwise could potentially end up in landfills, which would be unfortunate and they wouldn't want to be part of that and their business prevents that. He concluded by saying that they look forward to being a good neighbor, being a part of Coeymans and they are sorry that some people sought to connect them with the rezoning process, which they are not a part of and he normally would not take this time up but the inaccuracy of the statements was beyond irresponsible and he felt the need to comment on it and then thanked the Town Board for the opportunity to speak.

Supervisor Flach thanked Mr. Better and then asked if there were any other comments.

Vincent Riccardi Jr. – stated that he lives at 19 Westerlo Street, which is a two-family house that he has rented out three time in ten years and the last people moved out, they didn't pay the rent, they didn't pay the last month's rent so he lost the security and the

rent. He added that someone stepped up and said that the people should have the repairs done and if he is willing to lend him \$20,000.00 to have his porches done, that's fine because the banks won't and he has never missed a payment on his mortgage. He continued by saying that he went to First Niagara Bank on April 12th at 10:43 at night and his daughter drove him there in a white Mazda with black windows and Mazda's are known for dark windows and he went to the ATM machine, put his card in, took his money and got back in the car and then they got pulled over right here in front of Town Hall.

Supervisor Flach interjected that it was a Public Hearing about the rezoning and they were going to have their regularly scheduled meeting right after and he would have time for public comment.

Mr. Riccardi stated that it was Public Comment.

Supervisor Flach reiterated that it was a Public Hearing for rezoning and they were going to do that as soon as they closed the Public Hearing after they take a couple minute recess.

Mr. Riccardi asked what time it will start.

Supervisor Flach stated that it should be probably within 10 minutes and then asked if that would be okay.

Mr. Riccardi stated that it has to be okay because he is telling him that it is.

Supervisor Flach asked if anyone else wished to comment about the Public Hearing, hearing none he asked for a motion to adjourn.

ADJOURNMENT

MOTION

On motion of Councilman Langdon, seconded by Councilman Dolan, to adjourn the Public Hearing.

Councilman Dolan asked if they could keep the Public Hearing open so people can submit their comments.

Supervisor Flach stated that they can submit written comments whenever they want and added that he didn't want to keep the Public Hearing open.


Councilman Masti stated that he would rather not keep the Public Hearing open.

Attorney for the Town Wukitsch stated that they had to make a motion to close the Public Hearing.

Supervisor Flach stated that there already was a motion and a second and added that he votes to close it and it should not discourage people from coming forward with ideas.

VOTE – AYES 4 – NAYS 1 – SO MOVED

Time – 7:40pm

Respectfully Submitted,

Diane L. Millious, Town Clerk

APPROVED – As Read May 12, 2014