

**MINUTES BOOK\*\*TOWN OF COEYMANS  
May 12, 2014 – Town Board Meeting – 7:00pm**

**A Town Board Meeting was held Monday, May 12, 2014, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

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

**ABSENT:** Diane L. Millious, Town Clerk

**ALSO PRESENT:** Lucinda Vatalaro, First Deputy Town Clerk  
David Wukitsch, Attorney for the Town  
Scott Searles, Highway Superintendent  
Gregory Darlington, Chief of Police

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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 record should reflect the presence of a full Town Board.

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**AGENDA**

- Public Announcements
  - Town Offices Closed – May 26, 2014, Memorial Day
  - Grievance Day – May 27, 2014
  - Youth Recognition Awards
- Public Comment Period
- Approval of Minutes
  - Town Board Meeting, April 14, 2014
  - Town Board Workshop, April 22, 2014
  - Public Hearing – April 28, 2014
- New Business
  - R.C. Sportsmen Fishing Derby
- Resolutions
  - Authorize Supporting Port of Coeymans RECD Application
  - Authorize Supervisor to Apply for NYS Parks Grant
  - Authorize Police Chief to Dispose of Abandoned Vehicles
  - Adopt SEQRA
  - Adopt Proposed Local Law #4-14, Zoning Map Modification
  - Appoint PT Officers
  - Authorizing Merging Beautification and Highway Departments
  - Authorize Construction of Salt Shed
- Town Board Workshops/Meetings
  - Town Board Workshop, May 20, 2014, 6:00pm
  - Town Board Meeting, May 28, 2014, 7:00pm

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**PUBLIC ANNOUNCEMENTS**

**Town Offices Closed**

Supervisor Flach stated that the Town Office's will be closed on Monday, May 26, 2014 for observance of Memorial Day.

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**Grievance Day**

Supervisor Flach stated that Tuesday, May 27, 2014 is Grievance Day and anyone with questions can call the Assessor at 756-8927.

**Youth Recognition Awards**

Supervisor Flach read the following:

The Albany County Department for Children, Youth and Families is hosting its Annual Youth Recognition Awards. The Town of Coeymans has a School Resource Officer, PO Danielle Crosier, who has nominated Jena Nunziato for the Ed Roche Outstanding Youth Award and Austin Babcock for the George Roe Athletic Achievement Award.

Supervisor Flach stated that he received a letter from the Albany County Department for Children, Youth and Families Youth Bureau and continued by reading the following:

Dear Mr. Flach:

Each year the Albany County Department for Children, Youth and Families Youth Bureau hosts the Youth Recognition Awards, an exciting initiative that recognizes youth who have overcome adversity, shown their tremendous resiliency and growth, athletic achievement or artistic expression or demonstrated their citizenship and civic engagement through community service. The Albany County Department for Children, Youth and Families Youth Bureau initiated this program in 2003 to celebrate youth that would not ordinarily be recognized. This program is an opportunity to honor the positive achievements of those youth. Last year's program was a great success and I anticipate that this year's will be even better.

Five middle school and five high school students will be recognized and rewarded in different achievement categories. The award categories are:

- Most Improved Student Award
- Artistic Expression
- Lt. John F. Finn Community Service
- Ed Roche Outstanding Youth
- George Roe Athletic Achievement

Enclosed is some additional information about the awards program along with a nomination form. It would be appreciated if you could distribute the information to individuals who can identify and nominate youth for these awards. Nomination forms are also available at [www.albanycounty.com](http://www.albanycounty.com).

Nominations are due May 2, 2014 with an awards ceremony planned for early June. Thank you again for your cooperation. Please contact Margaret Diggs, Executive Director, in the Youth Bureau at 447-4945 if you have further questions. Thank you for your support and assistance.

Sincerely,  
Gail Geohagen-Pratt  
Commissioner

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**PUBLIC COMMENT**

Supervisor Flach invited the public to comment at this time.

**Rick Touchette** – introduced himself, stated that he lives in the Hamlet of Coeymans and continued by reading the following:

Good evening. About two weeks ago the Town Board held a Public Hearing on the merits of a Proposed Local Law. For over an hour and a half, people address the Board. Of those only three

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people spoke in favor and Carver had to pay two of them to be here. All of those who spoke in opposition are residents and voters of the Town of Coeymans, none of those speaking in favor live here. We care very deeply for our town and our community as I am sure you do, or else you would not be in the positions that you are. You are elected officials and I feel that you have a duty to listen to the constituents and act in the best interest of the community. The best solutions are always win/win solutions but this Local Law benefits only one person, who lives somewhere else and has only financial ties to Coeymans. I see the trucks, I hear the noise, and I hear rumors of asphalt plants and metal shredders. I don't think that it is an exaggeration to say that the quality of life in the Hamlet and the Village could be destroyed by heavy industry. I respectfully urge you to table tonight's resolution, go back to SEQRA and require a proper and thorough Environmental Impact Statement.

Supervisor Flach asked if anyone else wished to speak.

**Alex Lawler** – stated that he didn't really have any comments but he did have a simple question to ask the Board. He continued by saying that last week he provided pictures of several Building Code Violations in Town and he was hoping for an explanation as to why nothing has been or is planned on being done about it.

Supervisor Flach stated that they don't normally answer question during Public Comment but he felt as though he should answer this one. He continued by saying that Mr. Conrad, who the questions were addressed to, has sent a letter in response to those, which he has seen himself.

Mr. Lawler asked who the letter was sent to.

Supervisor Flach stated that it was sent to him.

Councilman Dolan interjected that he believes that the gist of the letter was asking him to verify the location of the building.

Attorney for the Town Wukitsch stated that they really should not get into the details if there is an investigation underway.

Councilman Dolan stated that he does not think that there is an investigation and added that he would give Mr. Lawler a copy of the letter.

Supervisor Flach asked if anyone else wished to comment.

**Janet Kessler** – stated that she lives in North Coeymans, off of Rte. 144 and her concern is the truck traffic on that road going from Rte. 396 south on Rte. 144. She continued by saying that she can't ride her bike on that road anymore because there is no shoulder and the trucks go by so fast because they don't care and feel as though the road belongs to them. She added that she requests possibly that a speed limit be reduced to 40 mph from the bridge where the Malphrus' place was south to Coeymans, which would be very helpful. She went on by saying that there are children getting off school buses and where her road is, she came to practically a complete stop and got rear-ended and the person said that she didn't have her signal on but she did because she was out of her car and the signal was still flashing. She concluded by saying that her main concern is perhaps getting the speed limit reduced in that area, which she knows is a State Road but possibly the Town can do something about it and maybe write a letter to the State.

Attorney for the Town Wukitsch interjected that the Town does not set speed limits on State Highways and the most that they can do is write a letter to DOT and request them to do a study and then they would determine if it would be prudent to reduce the speed.

Ms. Kessler stated that this is what she was requesting and then asked if it could be done.

Attorney for the Town Wukitsch stated that they would take it under advisement and then asked Supervisor Flach if he would write a letter to request a study.

Supervisor Flach stated that the Board will discuss it and then asked if anyone else wished to comment.

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

I am here to ask that you vote no to the proposed zoning change, in fact I think it is premature to even bring it to a vote and I would like to reiterate what Mr. Touchette said in asking that you table it for now. This type of action by virtue of its size and scope is clearly a Type I SEQRA Action, which means that it should have a Positive Declaration and a full Environmental Impact Statement, you have not done that. You have asserted that there will be no environmental impact, which simply makes no sense. You are proposing to turn hundreds of acres into an Industrial Zone, you can't put an Industrial Zone anywhere without impact, much less on a site that has the Coeymans Creek running through it, never mind the fact that it is located close to residential neighborhoods. To say there is no impact, simply defies logic. By not doing an Environmental Impact Statement you are putting the community at risk for a wide-range of unintended consequences, many of which may be harmful. I would like to ask that you do your due diligence, let's err on the side of caution. Please change this to a Positive Declaration and do a full Environmental Impact Statement. I am also very concerned that there are no limitations or distinctions on what type of industry can come into this Zone. The only safeguard that you seem to be giving the public is a Site Plan Review by the Planning Board but we have already seen that doesn't work. So far their track record includes letting TCI come in, a company that handles toxic materials, has a terrible safety record, and got chased out of Ghent after they blew themselves up. A lot of residents are very upset about TCI and your plan now seems to be to ask us to trust the very people who let them come into our community. It is clear that the current Planning Board is not up to the task. If you want to create a new Industrial Zone, it should have definitions and limitations built in to protect the health and safety of the community. The Planning Board can only enforce the law as you write it, the way you have written it gives them nothing to enforce. Finally, I would like for you to consider the fact that this measure does not have a broad base of support within the community, there is mounting public opposition to these zoning changes and to the idea of rapid industrialization along our riverfront. I know some people may want this but many, many more do not. It seems to me, if you are going to make such an enormous change to where we live, it should be with a clear mandate from the public, especially the people in the Hamlet who are going to be the most directly affected, we are the ones who going to have to live with the consequences, but you don't have that. When I go around in my neighborhood and I talk to the people in the Hamlet, nobody wants this, people are already leaving because of it and as was noted earlier at your Public Hearing, the only people who got up and said without reservation that they wanted it was Carver Laraway and lawyers who were paid to be here. There's not a clear majority of support for this change and as such you should not do it and it begs the question, why are you, who is going to benefit from this? It seems to me that the only people who are going to benefit are a very small number who don't live here and it's going to hurt far more. You have a responsibility to the people who live here; you are ignoring those people to act instead in the financial interest of others who are looking to exploit our town for their own personal gain. It's starting to feel like our town is not by the people for the people, it's turning into, in spite of the people for Carver Laraway. It's divisive, this is creating ill will, the people in the Hamlet feel like you are coming in and you are running (inaudible) over us and telling us how it is going to be whether we like it or not, please consider what you are doing.

Supervisor Flach asked if anyone else wished to comment.

**Paul Lawler** – introduced himself and added that he lives in Coeymans. He continued by saying that over the past year a number of them have had the opportunity to talk to all of the Board Members about the proposed change in land use and one thing that comes out, at least for him, is that they all are interested in the same thing, they all want a prosperous, safe, healthy community and a healthy environment and the question is, how do they get from here to there. He went on by saying that one of the advantages that the Town of Coeymans has, as noted at the last meeting, is a very low unemployment rate, the unemployment rate is lower than any other state in the country, about half the rate in New York State and in spite of that, the population in Ravena and Coeymans Landing has gone down. He added that they have to ask themselves why and one would think that quality of life is a major concern and with regard to the zoning, one has to question what will be the impact on the quality of life and in a discussion with one of the Town Board Members, the point was made, which he thought was made appropriately, is that they should not be looking out 1 or 2 or 3 or 5 years, they should be looking out 20 years and what the impact is of any proposed zoning or any other change in land use over the next

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generation and some of them are old enough that they won't have to worry for much longer as to what happens but we do have to think about the next generation. He continued by saying that what is at issue here, as others have said, is about 400+ acres and the land use, which adjoins the Village of Ravena and Hamlet of Coeymans and reiterated that the question is, what is the best use for this land because it also contains a very sensitive Water Shed and Coeymans Creek, which is noted by New York State as a very important creek and Water Shed and not only is the 400 acres at issue but it abuts our communities. He went on by saying that the use of this land will be very important and they believe that it is very important to do a full Environmental Assessment of the impact of any change in this land and in fact it is not just 20, 30 or 50 citizens, it is also the Sierra Club, Clearwater Organization and Scenic Hudson Organization and those organizations with over 2 million active members nation-wide and in New York State over 30,000 members, have all expressed concern about this change in land use and all of them suggested after careful review and study, that they do a full environmental assessment and once it is done and the impact of any change is truly reviewed in depth, then it would be appropriate for the Board and for the Town's people to look carefully at what the appropriate zoning is. He added that it would be determined if it is light industrial, as is suggested in some sections of Town by the Comprehensive Plan, if it is a green buffer or if it is maintained residential/agriculture because 85% of the land now is forest, meadow, wet land and creek. He concluded by saying that they would encourage them to look very carefully at the environmental impact of this proposed change before they move ahead.

Supervisor Flach asked if anyone else wished to speak.

**Barbara Heinzen** – stated that they had heard from her before during the Public Hearing and she does not have too much new to add and most of her neighbors had already covered it and continued by reading the following:

I want to point out yet again that at the Public Hearing the only people who spoke in favor of this proposal were Carver Laraway and his paid lawyers, everybody else opposed it or had serious concerns. Five people said that this was not consistent with the Comp Plan and I gave you a long comparison of the Comp Plan and the law to show you why that inconsistency is something that you need to consider. Four people said that we must have a Positive Declaration that leads to a full Environmental Impact Study as Mr. Lawler has requested and also Ms. Kunz. Two of those who asked for a full Impact Study were Scenic Hudson and the Sierra Club, four people said there are already bad impacts from the Port of Coeymans and mentioned traffic, noise, dust and pollution and you are saying let's have more heavy industry and you're saying we don't have to worry about it because there isn't going to be any impact. How can you say there isn't going to be any impact, you haven't done the study. It was clear also from the remarks that TCI is not trusted and Mr. Better said that TCI is not in this fight, well TCI may not be in this fight but TCI's behavior to date is what people are expecting if this zoning goes through and they do not want more of it. Some people said that your behavior is unethical and the company applying is unethical and that whatever happens, the company who invests here and other companies that invest here must be held accountable. The rule of law, I assume, is a value that we all endorse, it should also apply here. Others said that we need to separate industry from population centers. Mr. Lawler has already mentioned the fact that his claim to this will bring jobs, but since the Port came, people have been leaving and we have amongst the lowest unemployment in the state. Donald Zee said that we have very few parcels that are actually industrial, only 1.54% of our land parcels are industrial, he did not say what percentage of land is industrial and certainly in the Ravena-Coeymans area, a very high percentage of land is already an industrial use, I do not think that we need any more of that. Another argument that was given by Mr. Laraway's lawyers is that Andy Brick said that he was grateful to the Town for having spent two whole hours going over the EAF, I am very impressed, I understand that it normally takes 6-12 months, I am pleased that you are so efficient you can do this job in two hours and I suggest yet again, along with others, we need the 6-12 months to study the impacts of this rezoning and look at what is in the best interests of everyone in this town and not just a few industries from outside.

Supervisor Flach asked if anyone else wished to comment.

**Mary Driscoll** – stated that she lives on Rte. 9w and has lived in this community for 49 years and she has watched it go from a very beautiful community to a very low community. She added that she could not get to the meeting on the 28<sup>th</sup> due to birthday parties but she heard some comments and now she has some comments. She continued by saying that whoever said that

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Larry Conrad does not know his job, has to be the most asinine statement that she has heard in the last ten years because Larry knows his job, you might not like the way that he does it, but he knows his job. She added that another comment was that Rte. 144 is so scenic and the other day she came down from Albany on Rte. 144 and the only place that you can actually see the Hudson River on Rte. 144 is where the gazebo is, otherwise you can't see it and she can't see tourists coming here to see that beautiful scenic route. She went on by saying that 40 or so years ago they had a chance to make 144 a better road, they turned it down because they said it would only benefit the Cement Plant and now we are paying for it so they have to think to the future. She concluded by saying that she was fortunate and went to the groundbreaking of the new cement plant and she came out of there feeling real good after listening to the wonderful plans that are coming up for the Town of Coeymans and she hopes that all these people who are complaining about the dust and noise have beautiful incomes because the average person has to work to make a living and our future generations will need jobs that won't come out of the air, they come from businesses and it was really good to hear something good about the Town of Coeymans for a change.

**Peter Masti** stated that he had a letter from TCI to read into the record for public comment and continued by reading the following:

May 9, 2014

Dear Supervisor Flach,

I am writing to address such comments that were made about TCI of NY at the Town Board's recent Public Hearing regarding a proposed new Zoning District for Coeymans. Although TCI is not a party to the proceeding, we welcome the opportunity to set the record straight concerning our operations.

TCI's Site Plan for a new 7 million dollar facility was approved after a rigorous local review and, I'm pleased to report, is well on its way to completion. We also have a Special Use Permit from the Town to begin operations at our new facility. While we support the Town's efforts to create new commercial zoning, our permits are valid regardless of how these deliberations conclude.

As the Town Board is aware, our Site Plan was granted approval after an extensive review by the Planning Board that started in June 2013 and concluded in October 2013. This review process included several Public Hearings and no few than three environmental reviews. Several notable events during the process that added extra measure of diligence and scrutiny to the Town's review include:

- At TCI's expense, the Town hired an engineering firm, which prepared an independent environmental review of our plans.
- Local fire officials assessed our operations for public safety both by making on-site visits to our current facilities and by reviewing details of our Fire Safety Plan.
- Midway through the review process, at the Planning Board's request and at considerable expense to TCI, we agreed to move our site from its original location to where we are building now.
- The Planning Board conducted two SEQRA reviews.
- Our Storm Water Plan was separately analyzed by the Department of Environmental Conservation.
- The potential impact of our Plan on archaeological assets was analyzed by the State Historic Preservation Office.
- A review of potential impact on neighboring wetlands was conducted by the Army Corps of Engineers.

We passed this unusual battery of examinations because TCI is a self-contained operation that has a net positive impact on the environment. We take extra effort to maintain safe and environmentally operations. This extra effort includes.

- A state-of-the-art fire suppression system far in excess of what Local Laws and conventional practices require.
- A unique liner placed beneath the floor of our main operating space that prevents any oil or liquid from escaping the facility.

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In addition to these measures, apart from toilets, sinks and fountains for staff's personal use, our operations do not rely on local water and sewage systems. Our operations produce no effluents or emissions; we have zero impact on surface water, the air or aquifer.

I would also like to offer some brief comments regarding our handling of PCB's another matter raised at the Public Hearing,

The term PCB's stand for polychlorinated biphenyls, a range of man-made chemicals that were manufactured between 1929 and 1979, when they were banned by the Federal Government.

PCB's were used by large manufacturing, paper and utility companies in a wide range of products, including transformers and capacitors, motors and hydraulic systems, adhesives, paints, caulking, plastics and fluorescent lighting. The manufacturing process often resulted in large volumes of PCB's that were being discharged into rivers and other waterways.

No one makes PCB's anymore; today's challenge is to safely remove them from the environment. That's where TCI plays an important role. We don't manufacture PCB's and we don't discharge them from our facility. We receive and dismantle transformers and other electrical equipment that sometimes contains PCB's or traces of PCB's in the oil found within the equipment. We safely and carefully drain the oil, bulk it up and ship it to a special refinery out of state. This oil is not processed at our facility. The out-of-state refinery removes and destroys the PCB's and purifies the oil for industrial reuse. This is a model of modern, responsible sustainability practices.

The work we do not only creates investment and jobs in Coeymans, already we have locally hired six new employees even before we move into our new facility, we provide a valuable service to the community that makes real the concept of "recycle, reuse, repurpose."

We are proud of what we do and proud to be in Coeymans. We are glad to be a part of the community and eager to work with the Town to everyone's mutual benefit.

As always, my team and I are available to you and your colleagues.

Sincerely,

Brian Hemlock  
President  
TCI of NY, LLC

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**APPROVAL OF MINUTES**

Supervisor Flach stated that there were three sets of minutes for Town Board approval, a Town Board Meeting on April 14<sup>th</sup>, a Town Board Workshop on April 22<sup>nd</sup>, and a Public Hearing on April 28<sup>th</sup> and then asked for a motion to approve them.

Supervisor Flach asked for a motion to approve the minutes from the Town Board Meeting on April 14, 2014.

**MOTION**

On motion of Councilman Langdon, seconded by Councilman Masti, the minutes were approved as presented and read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Flach asked for a motion to approve the minutes from the Town Board Workshop on April 22, 2014.

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**MOTION**

On motion of Councilman Masti, seconded by Supervisor Flach, the minutes were approved as presented and read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Flach asked for a motion to approve the minutes from the Public Hearing on April 28, 2014.

**MOTION**

On motion of Councilman Burns, seconded by Councilman Langdon, the minutes were approved as presented and read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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**NEW BUSINESS**

**R.C. Sportsmen Club Fishing Derby**

Supervisor Flach asked that Councilman Dolan speak to the agenda item R.C. Sportsmen Club Fishing Derby.

Councilman Dolan stated that the Town Board has donated \$100.00 for a number of years and added that he is in favor of doing it again and then read the following:

To Whom It May Concern:

The R.C. Sportsmen Club is sponsoring our 36<sup>th</sup> Annual Fishing Derby for children ages 1-16 who reside in the RCS School District. The derby will be held Sunday, June 8<sup>th</sup> from 8:00am to 10:30am at the Town of Coeymans Filtration Plant on Route 144.

To insure that this derby is successful, we are once again soliciting contributions. In past years your generosity has enabled us to award each participant with a prize and serving hot dogs and drinks after the completion of the derby.

At this time we would like to take this opportunity to invite you to join us on June 8<sup>th</sup> so you can see first-hand the reactions from the children participating as they reel in their “big” one. We hope to see you there.

Very truly yours,

James Reilly  
Fishing Derby Committee

Councilman Dolan stated that he would offer a motion for the donation.

**MOTION**

On motion of Councilman Dolan, seconded by Supervisor Flach authorizing the Town Board to donate \$100.00 to the R-C Sportsmen Club for trophies to be awarded at the Fishing Derby.

VOTE – AYES 4 – NAYS 1 – SO MOVED

Supervisor Flach stated that the Town also supports local youth programs like the program that they share with the Village and a Youth Program that they have themselves and added that since the donation has been done for years, he does not have a problem with it.

Attorney for the Town Wukitsch stated that it has to be open to members of the public and he is a little concerned that it is limited in some way.

Supervisor Flach asked if he was questioning the age limit of 1-16.

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Attorney for the Town Wukitsch stated that it is limited to the school district so if a child lives within the Town of Coeymans but does not live in the school district, they cannot attend, which is the drift of what it is saying. He added that it has to be open to the general public if they are going to support it and it is a worthy cause but he is concerned about that limitation because it excludes.

Councilman Dolan interjected that he does not think that it excludes because he knows people that have come here from other municipalities.

Attorney for the Town Wukitsch stated that it could be just the way that it is written and this is the only concern that he has.

Councilman Masti stated that he still has his stand for the last two years of not donating because when his Gun Club does anything, they support themselves.

Attorney for the Town Wukitsch interjected that he would have no problem if it said everyone between 1-16 of age in the Town is invited to attend, which makes it a public function but it is limited in some way.

Councilman Langdon asked if he meant living in the school district and not actually attending the school district.

Attorney for the Town Wukitsch asked specifically what it said.

Supervisor Flach stated that it says for children who reside in the school district, which are actually people from out-of-town also because folks from New Baltimore go to R-C-S.

Attorney for the Town Wukitsch stated that using tax payer money is not appropriate if there is any limitation.

Supervisor Flach stated that it was not what he wanted to hear.

Attorney for the Town Wukitsch stated that they can do it but if the Comptroller were to audit it, they may say that it isn't right.

Councilman Dolan stated that he would amend the motion to say that they are willing to allow anyone living in the Town of Coeymans and/or attend the R-C-S School District.

Supervisor Flach stated that he was going to suggest that each Board member collectively donate \$20.00 each.

Attorney for the Town Wukitsch interjected that the way that Councilman Dolan phrased it is appropriate and they can do it either way.

Supervisor Flach stated that they will change it to say for anyone within the Town of Coeymans and he would check with them to make sure that it is alright.

Councilman Dolan stated that since the \$100.00 is for trophies, if Supervisor Flach wants to throw in \$25.00 for hotdogs, he would be willing to do that also.

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**RESOLUTIONS**

**RES. #102-14 AUTHORIZE SUPPORT FOR PORT OF COEYMANS RECD APPLICATION**

On motion of Councilman Masti, seconded by Supervisor Flach, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 1 – SO MOVED

**WHEREAS**, the Port of Coeymans (the Port) will be applying to the NYS Regional Development Council for infrastructure funding to promote economic development, and

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**WHEREAS**, the Port will seek funds to upgrade water infrastructure in the vicinity of its property located in the Village of Ravena and the Town of Coeymans, and

**WHEREAS**, questions exist related to whether there is adequate water pressure in certain portions of the existing water system for fire protection and public safety, and

**WHEREAS**, although the Village of Ravena is the public water source for the Port property, the Town of Coeymans has a significant interest in the functionality and effectiveness of the Village water system, and

**WHEREAS**, the Port's application requires an analysis of existing water infrastructure capabilities, and

**WHEREAS**, the Port plans to hire CT Male Engineering to assess current water system infrastructure and capacities, and

**WHEREAS**, the Port will be solely responsible for the costs of CT Males study with no cost to the village,

**WHEREAS**, it is in the Town's best interest to have CT Male conduct this engineering study at no cost to the Town,

**NOW, THEREFORE, BE IT RESOLVED**, the Town of Coeymans hereby supports the Port of Coeymans in its REDC application and its retention of CT Male Engineering to conduct all necessary studies to support such application with the costs of all engineering work to be borne by the Port of Coeymans.

**BE IT FURTHER RESOLVED**, This Resolution shall take effect immediately.

Supervisor Flach stated that he believes the cost for the engineer study is between \$30,000 - \$40,000.00 and he along with the Mayor met with the Port of Coeymans who brought them down solely to talk about this grant and they are willing to pay the grant application fee as well, which he believes they did quite a while ago. He added that he does not see how they can pass up the opportunity to try and get some funding and he believes that it is between 1 & 1.5 million dollars that is available for a grant, which would upgrade the water in the Hamlet where the pressure in the fire hydrants is next to none and not up to minimum standards as well as some infrastructure that needs to be done in the Village as well as their water plant, which is all a part of it.

Councilman Dolan stated that he does not see a copy of the grant and it is nice that he and the Mayor met with the Port but the Board has no information on it and usually when someone asks him for a support letter or any kind of support, they supply some documentation.

Attorney for the Town Wukitsch interjected that generally with this type of grant, the entity that is going to be reviewing the grant application and releasing any grant funds, wants to know that the local Board is in favor of the application.

Councilman Dolan asked how he could say whether he was in favor of it or not if he does not even know the name of the grant, the source of the money or any of the details.

Attorney for the Town Wukitsch stated that it was a legitimate point.

Supervisor Flach inquired as to the next meeting date.

Attorney for the Town Wukitsch stated that it is Wednesday, May 28<sup>th</sup> due to Memorial Day.

Councilman Dolan asked what the end result will be if they do get it and whether the Town and/or the Village would own it or would it be the person that got the grant own it.

Supervisor Flach stated that there is no question about who would own it, it is the Town's infrastructure.

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Attorney for the Town Wukitsch stated that the Port is applying for the grant and the infrastructure will not be transferred to the Port, but the Port is the party seeking the money.

Supervisor Flach asked if there were any other comments.

Councilmen Masti and Burns collectively said that it is a win/win.

Councilman Burns reiterated that it is a win/win and if they can fix the infrastructure and make it better for the Town's people with the fire hydrants, it will be better for them too and it is probably the reason the Town is going to do it and reiterated that it is a win from doing it and then asked why they wouldn't do it.

Supervisor Flach stated that they have to do a study with C.T. Male, the Town's engineering firm.

Councilman Burns stated that if you drive down River Road, every 10 feet there is a patch and Mayor Bruno knows himself that the pipes down there are 100 years old and if it is a six inch line there is a 2 inch hole going through the center of it because it is so built up and he would welcome any help to repair the infrastructure down there.

Zachary Assael from the audience asked why the Town does not apply for the grant.

Supervisor Flach interjected that it is because it is \$30,000.00 - \$40,000.00 and they don't need to spend the money on that type of thing when someone else is willing to spend the money.

Mr. Touchette from the audience asked if the improvements are going to be on Church Street.

Supervisor Flach stated that he does not know exactly and it depends on what they get for grant money and he can't tell him what they will fix, they could get \$100.00 for all he knows but it's not costing the Town a dime.

Councilman Burns interjected that regardless of where it is, that will be one section that they don't have to pay for to fix.

Mr. Touchette stated that would be unless it is a new section going out to TCI or someplace like that and then it won't be any benefit for the Town or Village.

Sarah Hafensteiner from the audience asked what the priority will be if they get any grant funds at all and what the priority for the usage will be and if it will be for the grant applicant or the needs of the Town and the town residents.

Supervisor Flach stated that he spoke to that already and reiterated that the water pressure to the Hamlet is lacking and there is not fire protection enough in the Hamlet because of the water pressure that goes down there and they definitely need to upgrade the system because water pipes are breaking all the way down Church Street. He continued by saying that they are willing to put in a grant so the Town can get water infrastructure for the municipality and this is the best he can tell them at this point and then called for a roll-call vote.

First Deputy Clerk started the vote as follows:

Supervisor Flach - AYE

Mayor Bruno from the audience asked to speak and continued by saying that Councilman Burns had mentioned the size of the pipe and then asked if the grant for the waterline is for going down the hill because if it is going down Church Street, it does not matter what size pipe you put in there because there is a pressure reducing valve because there is too much pressure and if you had a brand new line, the pressure would blow the line apart.

Supervisor Flach stated that when he talked to Mayor Misuraca about this, they talked about the improvements that need to be done at the Water Plant.

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Mayor Bruno stated that another issue is that there are two Water Plant Operators and again Carver and the Port of Coeymans was never denied water.

Supervisor Flach interjected that they are not speaking to that.

Mayor Bruno continued by saying that the problem was that it was for industrial use for making concrete and whatever.

Supervisor Flach reiterated that they were not speaking to that.

Mayor Bruno stated that he is just saying that both Operators said that they can't supply for industrial use and they are talking about a grant for new lines and like he said the pressure reducing valves are on Church and Westerlo streets were put in at least 30 years ago when Ray Bailey was the Mayor and he would agree that the lines 30 years ago were in better shape than they are today. He reiterated that they had to be put in because there was way too much pressure and getting a grant for new lines isn't going to solve that problem.

Supervisor Flach thanked Mayor Bruno and added that he wanted to reiterate that the funds would be to upgrade the infrastructure, it would not be just for new lines and there all sorts of things that need to happen.

Attorney for the Town Wukitsch interjected that they had previously started a roll-call vote.

First Deputy Vatalaro continued with a roll-call vote as follows:

Stephen Flach – AYE, Peter Masti – AYE, George Langdon – AYE, Thomas Dolan – NAY, Kenneth Burns – AYE

VOTE – AYES 4, NAYS 1 – SO MOVED

**RES. # 103-14 AUTHORIZE SUPERVISOR TO APPLY FOR NYS PARKS GRANT**

On motion of Councilman Langdon, seconded by Councilman Masti, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

**WHEREAS**, the Town of Coeymans has identified a grant opportunity pertaining to the parks in the Town of Coeymans; and

**WHEREAS**, this grant opportunity would cover 50% and up to 75% of the planning, installation and updating of amenities and equipment for the parks; and

**WHEREAS**, THE Town is desirous of updating Joralemon Park to include public restroom as well as tent only camp sites;

**BE IT RESOLVED** that the Town Board of the Town of Coeymans authorizes Supervisor Stephen D. Flach to apply for this grant award from New York State Office of Parks, Recreation and Historic Preservation.

Supervisor Flach stated that there is possible grant money and they need playground equipment and bathrooms at Joralemon Park and there a lot of other things that they could use.

Councilman Dolan asked if it was what he envisions.

Supervisor Flach stated that it is what he would like to see and added he would at least like to see bathrooms at Joralemon Park but it does not have to be just for Joralemon Park, it could be for any of the parks.

Sarah Hafensteiner from the audience asked why the Town is going to apply for this one but not for the previous one and then asked that he explain that.

Supervisor Flach interjected that this one will not cost them \$30,000.00 - \$40,000.00.

Sarah Hafensteiner asked why the other one would cost that.

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Supervisor Flach stated that the other one would require a study, it is a big long process and then asked why the Town would pay if there was someone willing to pay and if anyone in town is willing to come in and say I will give you \$40,000.00 to put in for a grant that you might not even get, he would be willing to take the funds to apply for grant that they may or may not get.

**RES. #104-14 AUTHORIZE POLICE CHIEF TO DISPOSE OF ABANDONED VEHICLES**

On motion of Supervisor Flach, seconded by Councilman Masti, the following resolution was APPROVED – VOTE –AYES 5-NAYS 0 –SO MOVED

**WHEREAS**, the Town of Coeymans Police Department is in possession of four vehicles (2003 Jeep, 1998 Mazda, 1991 Chevy, 2002 Nissan); and

**WHEREAS**, the owners of said vehicles have not come forward to claim their vehicle for several years; and

**WHEREAS**, the vehicles are now considered abandoned vehicles and cannot be effectively used for the benefit of the Town and no substantial Town or public purpose will be served in the future by such vehicles; and

**WHEREAS**, the Town of Coeymans Police Chief has determined it to be in the best interest of the Town to dispose of said vehicles,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize the Chief of Police to dispose of the four vehicles in an appropriate manner.

Councilman Masti inquired as to how they are going to be disposed of.

Chief Darlington stated that they are probably going to be crushed.

Councilman Masti asked if there was anything worth putting out to auction.

Chief Darlington stated that under the Abandoned Vehicle Law, it all has to go and be crushed and most of them were DWI crashes held as evidence and then the people don't respond to their letters.

Supervisor Flach continued by reading the following:

According to Town Law, the Code Book of the Laws of the Town of Coeymans, Chapter 165-15, the Town Board may from time to time on its own motion or on petition or by recommendation of the Planning Board, amend, supplement, modify or repeal in whole or in part this Chapter or the boundary of a District established by this Chapter.

On March 7, 2014, I received a letter of petition from the law office of Donald Zee, represented by Mr. Andrew Brick, asking for his client's three parcels to be rezoned to industrial. At a Town Meeting on March 10<sup>th</sup>, Deputy Supervisor Masti presented a Local Law to change 9 parcels, as indicated in the law. Mr. Masti stated that there were 3 parcels requested and Mr. Wukitsch, Attorney for the Town, stated that there were 9 parcels on this Local Law. Mr. Brick then stated that if there were 9 properties, it must be a Town version of the Proposed Local Law to include all of the properties that were originally planned to be rezoned, and there are a number of parcels that he does not represent. The Town then notified all the property owners, adjoining property owners and municipalities, including the Village of Ravena. I have spent a lot of time reviewing the various documents submitted as part of this rezone and let me state that this rezone is a Town Board initiative, not that of any single property owner. Although, a property owner requested its properties be rezoned, it was this Board that decided to rezone the entire area.

On April 17, 2014, the current Planning Board sent a letter to the Town Board recommending that these properties be rezoned to Industrial. I will enter this letter into the record.

As required by Section 239-m-n of General Municipal Law, we sent a letter to the Albany County Planning Board. They had one recommendation, which was: "any comments received

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from adjacent municipalities' notified and adjacent property owners should be considered by the Town before approval is granted." As this is already part of the 239 process, we have already done this. All surrounding land owners and municipalities were notified as well as the NYS Thruway Authority. We have received no comments from any of the surrounding municipalities. There were also 3 Advisory Statements made by the Albany County Planning Board, all of which were taken into consideration. I will enter the ACPB Recommendation Letter into the record.

There was a Public Hearing scheduled and it was held on April 28, 2014.

In 2003, a request like the one we received in March was asked of the Town Board regarding these parcels of property. After some discussion with the Town and Planning Boards, a letter from the Planning Board, by then Chairman Peter Foronda was sent to the Town Board to change these very parcels to industrial zoning. Shortly thereafter, the Town put together a Comprehensive Plan which talks about our industrial-based, blue-collar town. It was done with the economic development goals of developing a business-friendly environment, both for existing businesses and new business enterprises, to promote development to stabilize the tax base while providing jobs, retain and improve the Town's commercial and industrial base as well as foster the development according to its resources.

Here we are, 10 years later, changing this section of land to the industrial-based, commercial property that it has been used for since before it was the Frangella Mushroom Plant. This area, from the Lafarge conveyer belt to Tracey Welding, and adjacent to the Thruway and State Route 144 along the Port of Coeymans properties, has hosted industrial uses for many years. Although one property owner may have started this process, the rezone before us this evening is a Town initiative to finally implement the goals and vision of the Comprehensive Plan.

As you all know, I supported the town-wide rezone last year as well as the rest of the Board, three of whom are on the Board today and I am in favor of this rezone as well.

We as a Board have reviewed a large volume of information and comment provided both for and against this rezone. I believe this rezone will make our community better. There is a small group of people that disagree with me, that's fine. As Supervisor, I am looking to the interests of the whole town and I have remained respectful of everyone's opinion and right to be heard, even statements that have been downright insulting, disrespectful and unprofessional.

We have read through the minutes of the Public Hearing from April 28, 2014, and many of the comments that have been made, with respect to the zoning change involved the Port of Coeymans and the viewshed of the Hudson River as a gateway to our town. First, the Port of Coeymans, which is on the Hudson River, is already zoned industrial. This zoning change is on the west-side of SR 144 and does not include the Port of Coeymans' properties or the Hudson River located on the east-side of SR 144.

Based upon all the information provided us, I have asked our attorney, Mr. Wukitsch, to draft a SEQRA Resolution for the Board's consideration. This is a zoning change, which is the action. Any further building, permits or actions taken on these properties will have to go through the proper process before they are approved. I have reviewed the document and believe it comprehensively addresses environmental concerns. At my request, the document provides significant protections for the Coeymans Creek and Hudson River. It is clear from the Public Hearing that a lot of people are concerned about the creek and the river.

I would ask the members of the Board to read with me as I read through it and then consider voting upon it.

6 NYCRR PART 617  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance  
State Environmental Quality Review

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May 12, 2014

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

After a review of the application materials, Environmental Assessment Form, and comments received on this proposal, the Town Board of the Town of Coeymans has determined that the proposed action described below will not have a significant adverse impact on the environment and a Draft Impact Statement will not be prepared.

SEQRA Status:       Type I                    (X)  
                          Type II                    ( )  
                          Unlisted                   ( )

Conditioned Negative Declaration: Yes ( ) No (X)

Lead Agency:   Town of Coeymans Town Board

Location:       Town of Coeymans, Albany County

Action:         Rezoning of parcels to Industrial to comply with previously adopted  
                          Comprehensive Plan.

**Findings**

- The nature of this action is the rezoning of nine parcels of property to Industrial in conformity with the Land Use and Zoning goals and strategies contained in the Town's Comprehensive Plan. The properties involved have historically contained industrial type uses. The properties are directly adjacent to large industrial zoned parcels, namely, the Lafarge cement plant and the Port of Coeymans (formerly the P & M Brickyard). This action provides clarity by revising the zoning map for properties where approved uses already exist pursuant to special use permits or variances.
- A Long Form Environmental Assessment Form (LEAF) has been prepared and reviewed by this Board as SEQRA Lead Agency for both the proposed action. After review of the LEAF by the Town Board at a Town Board Workshop meeting held on April 22, 2014, the Town Board acting as Lead Agency, determined that the LEAF did not identify any potential for large impacts that could have a significant effect upon the environment resulting from resulting from the rezoning or from future development of the parcels involved.
- Various Areas of potential environmental concern resulting from the rezone and subsequent development of the properties involved were identified and reviewed by the Town Board. In addition to the LEAF, the following studies, reports, documents, and testimony were relied upon when making this determination of significance and are incorporated by reference:
  - Town Comprehensive Plan and draft zoning maps created therefrom
  - Town Economic Development Plan
  - 2008 Onesquethaw-Coeymans Watershed Study
  - 2010 Onesquethaw-Coeymans Watershed Management Plan
  - Letter submitted April 28, 2014 from Scenic Hudson
  - Memorandum and accompanying documents dated April 4, 2014 submitted by Coeymans Recycling Center, LLC
  - Memorandum dated May 7, 2014 submitted by Coeymans Recycling Center, LLC
  - Testimony and documents received at the April 28th Public Hearing
  - Memorandum from Albany County Planning Board dated April 17, 2014
  - Decision and Order/Judgment of Judge Michael C. Lynch, J.S.C. dated March 3, 2014
  - Record of proceedings and other submissions in the matter of Coeymans Heritage Society, Inc. et al v. Town of Coeymans, Albany County Index #4415-13
  - Correspondence and e-mails received related to proposed Local Law #4-14

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- Other specific areas of environmental concern have been reviewed and analyzed as follows:

**Community Character**

The lands to be rezoned have historically hosted industrial type uses. Conforming the zoning map to accurately represent what is occurring on the properties will not impact community character. Future development of the properties will likely include uses similar to the adjacent existing industrial uses with no effect upon the character of this area of town. Future development may have a positive effect upon community character by increasing tax base as well as employment opportunities.

**Water and Sewer**

The data submitted by Coeymans Recycling Center, LLC in their memorandum dated April 4th, 2014 (incorporated herein by reference) demonstrates that there exists sufficient water and sewer capacity to serve future development of these properties. The Town recognizes that it is currently under a DEC Consent Order related to sewer connections that must be addressed for any future development of these properties. Relief from the Consent Order would be reviewed by DEC on a case by case basis. Some properties involved in this rezone are already connected to the sewer system. There were numerous previous connections to the sewer system for farm worker housing that previously existed on one of the parcels to be rezoned. In addition, water and sewer district extensions may be required as these properties are developed.

**Traffic**

The data submitted by Coeymans Recycling Center, LLC in their memorandum dated April 4th, 2014 (incorporated herein by reference) demonstrates that State Route 144, which is the sole access roadway to the properties has more than enough available capacity to absorb traffic that will be generated by future development of these properties. Trip generation from future development will also be analyzed on a case by case basis during the site plan review process.

**Noise**

This rezoning action results in no noise impacts. Noise impacts from future development of the properties are sufficiently regulated by existing Town of Coeymans Zoning Code Appendix 1, which states: “(n)o sound pressure shall be emitted beyond the lot line in excess of 100 decibels...”

**Historic Resources**

A Letter of No Effect has been issued by SHPO for the ongoing bridge project located in the area to be rezoned (directly to the south of the properties to be rezoned). Any future development of the properties being rezoned will occur even further away from identified historic sites than where the bridge is to be located. A Letter of No Effect was also issued as part of the Lafarge Cement Plant Modernization Project Environmental Impact Statement involving the property immediately adjacent to the area to be rezoned (directly to the north and west of the properties to be rezoned). Future development of these properties that could have any possible impact upon historic resources would be subject to review by the State Historic Preservation Office (SHPO).

**Archaeology and Cultural Resources**

A Phase 1A/1B Archaeological Study has been provided covering the majority of the property to be rezoned (incorporated herein by reference) which concludes that development of the area will not impact cultural resources

**Soils and Steep Slopes**

Area soils have been analyzed and are generally suitable for development. Site specific development upon some soil types may require submission of a geotechnical report as part of the site plan review process. There are slopes upon the property which will not allow for development in the areas where they are located. Because these slopes are generally along the

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Coeymans Creek, this undevelopable area will act as a separation buffer between future development and the Creek.

**Wetlands and Flood Plain**

Wetlands upon the majority of acreage to be rezoned have been delineated. There are certain areas of the properties that are not developable due to wetlands and the delineated flood plain along with the mandatory buffer areas required for wetlands and flood plain.

**Water Resources**

Environmental organizations, the Albany County Planning Board, and residents have expressed concerns as to how this action could potentially affect the Coeymans Creek and Hudson River. As SEQRA Lead Agency, the Town Board has the authority to implement mitigation measures designed to minimize the potential for impacts to areas of environmental concern. Potential impacts to water quality in the Coeymans Creek and accompanying fish and wildlife habitats are best addressed by applying performance standards and development restrictions upon the properties subject to this rezone. The following mitigation measures will apply to all future development of the properties that are subject to this rezoning.

For properties subject to this rezoning, the following performance standards shall act as mitigation measures to minimize potential impacts to the Coeymans Creek

- Except for approved bridge construction, future utility work, and necessary infrastructure, no new development or construction shall occur within 100 feet of the Coeymans Creek.

Discussion ensued amongst Supervisor Flach and Attorney for the Town Wukitsch regarding a wording change and Supervisor Flach reading from the wrong copy.

Zachary Assail from the audience asked if they were re-writing it now.

Attorney for the Town Wukitsch stated that Meeting Rules prohibit screaming from the audience.

Zachary Assail stated that the meeting rules should say that you have the correct copy since they were going to vote on it.

Supervisor Flach stated that he made the wrong copy and it is his fault.

Attorney for the Town Wukitsch stated that if Mr. Assail didn't comply with the rules, he would be asked to leave and behavior in a democracy is not to scream from the audience.

Zachary Assail stated that in a democracy they usually come prepared to the meeting with the proper documentation.

Attorney for the Town Wukitsch asked that Supervisor Flach continue.

Supervisor Flach continued by reading the following:

- Discharges to the Coeymans Creek are prohibited unless pursuant to a valid State Pollution Discharge Elimination System (SPDES) permit issued by the NYS Department of Environmental Conservation.
- No activity that could substantially degrade water quality, increase turbidity or sedimentation, alter flows, temperature or water depths of the Coeymans creek shall occur upon the properties.
- Substantial alteration of the Coeymans Creek stream channel, such as impoundment or creation of barriers to fish passage shall be prohibited. --Construction of structures such as docks, piers, bulkheads or revetments within the Coeymans Creek shall be prohibited.
- The storage or stockpiling of soil, sand, gravel, organic material or any other material shall not :

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1. Cause silt and eroded material to enter the Coeymans Creek during storm events or as a result of wind movement
2. Affect the efficiency or the capacity of the Coeymans Creek
3. Increase flood heights
4. Cause an increase in water flow velocity

All future development of the properties will also be subject to New York State's requirements for the submission and approval of storm water pollution prevention plans (SWPPS) which will be reviewed, approved and compliance monitored.

These mitigation measures can be effectively monitored and enforced by a variety of mechanisms available to the Town including the site plan review process, NYS DEC process for the submission and approval of Storm Water Pollution Prevention Plans, monitoring and enforcement by the Town's Storm Water Administrator, and the building permit and Certificate of Occupancy issuance process.

Water resources including the Hudson River, Coeymans Creek (and its associated tributaries) will be sufficiently protected from impacts resulting from future development by implementation and enforcement of the mitigation measures set forth above.

**Review and Approval of Future Development That Could Occur as a Result of This Action**

- The Town of Coeymans has also conferred upon its Planning Board significant authority as part of the site plan review, special use permit review, and subdivision review processes to impose mitigation measures to ameliorate any potential adverse environmental impacts identified during the SEQRA review process for site specific land use applications submitted. Existing Planning Board authority includes the power to:
  - a. Regulate traffic patterns,
  - b. Pedestrian safety and access,
  - c. Parking and loading areas,
  - d. Screening and landscaping (including suitable buffer widths),
  - e. Environmental air quality,
  - f. Fire protection equipment,
  - g. Drainage/storm water runoff,
  - h. Refuse disposal,
  - i. Location and placement of signs,
  - j. Location and dimension of buildings,
  - k. Impact of proposed use on adjacent uses,
  - l. Snow removal,
  - m. Location design and all construction materials of all utilities, energy and communications distribution facilities including gas, solar, wind energy, telephone, cable, water and sewer,
  - n. The impact of the proposed use on both on-site and off-site infrastructure,
  - o. Effects of smoke, noise, glare, vibration, odors and/or other noxious and offensive conditions,
  - p. Effects on historical properties listed on the national, state, or historical registers, and
  - q. Effects of other cultural, archaeological and historic resources of the Town
- The Town of Coeymans Town Code and state and federal laws and regulations contain numerous other mechanisms to protect the Town from potential adverse environmental impacts from site specific land use applications including storm water management requirements, flood plain restrictions, and local and NYS code enforcement authority, Highway Department review and approval of curb cuts.

**Additional Findings**

- Rezoning these parcels will increase economic development opportunities in the Town of Coeymans as well as increase tax base.

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- Approval of this action will enhance protection of the health, safety and welfare of the Town of Coeymans, its residents, and its visitors.
- It is the best interest of the Town of Coeymans to approve the action.

**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination)

The Town of Coeymans Town Board declared itself Lead Agency for this project on March 10, 2014. This matter was also referred to the Town of Coeymans Planning Board for their advisory opinion as required by the Town of Coeymans Code. At its April 7th, 2014 meeting, the Planning Board issued a recommendation to the town Board that the Local law to rezone the properties should be approved. The Albany County Planning Board issued a recommendation dated April 17, 2014 to modify the local approval “to include any comments received from the adjacent municipalities notified and adjacent property owners should be considered by the Town before any approval is granted.” The Town has considered such comments as part of this SEQRA review and will further deliberate upon them when considering whether or not to enact the local law. Advisory comments provided by the Albany County Planning Board have also been considered and addressed. It is hereby determined that this action brings the Town’s zoning map into better conformity with the recommendations and scheduled tasks set forth in the Town’s Comprehensive Plan (originally adopted in September, 2006).

It is hereby determined that this action achieves the specific land use and zoning goals set forth in the Comprehensive Plan to:

1. Preserve and enhance Coeymans’ existing rural, small town character while accommodating a uses;
2. Encourage future development that minimizes negative impacts on natural resources, balance mix of agricultural, recreational, residential, commercial and industrial infrastructure, and neighboring uses in order to safeguard the health, safety and welfare of the community.
3. Protect the community’s visual character and aesthetics, especially along corridors and at prominent gateways.

It is hereby determined that this action achieves the specific economic development goals set forth in the Comprehensive plan to:

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.
4. Foster the development tourism resources in the Town to strengthen the local economy and establish and preservation of the Town’s unique resources.

It is hereby determined that this action has no impact upon existing agricultural farm operations.

After a review of the application materials, Environmental Assessment Form, and comments received on this proposal, the Town Board of the Town of Coeymans has determined that this proposal will not have a significant adverse impact on the environment.

The Town Board has considered the following criteria to determine if this proposal has significant adverse impacts on the environment:

- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or

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- endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
- (iii) the impairment of the environmental characteristics of a Critical Environmental Area;
  - (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
  - (v) the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;
  - (vi) a major change in the use of either the quantity or type of energy;
  - (vii) the creation of a hazard to human health;
  - (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
  - (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
  - (x) the creation of a material demand for other actions that would result in one of the above consequences;
  - (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
  - (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The Town Board has also considered the reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions, which are:

- (i) included in any long-range plan of which the action under consideration is a part;
- (ii) likely to be undertaken as a result thereof; or
- (iii) dependent thereon.

The significance of a likely consequence (i.e., whether it is material, substantial, large or important) has been assessed in connection with:

- (i) its setting (e.g., urban or rural);
- (ii) its probability of occurrence;
- (iii) its duration;
- (iv) its irreversibility;
- (v) its geographic scope;
- (vi) its magnitude; and
- (vii) the number of people affected

**RES. #105-14 AUTHORIZE SEQRA ADOPTION**

On motion of Supervisor Flach, seconded by Councilman Dolan, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 1 – SO MOVED

**WHEREAS**, the Town of Coeymans Town Board is Lead Agency pursuant to the State Environmental Quality Review Act (SEQRA) in the adoption of Proposed Local Law “Zoning Map Modification” of 2014; and

**WHEREAS**, pursuant to SEQRA, the Town Board has prepared Parts 1 and 2 of the Environmental Assessment Form (EAF); and

**WHEREAS**, the Town Board has considered the probable environmental impacts of the adoption of Proposed Local Law ‘Zoning Map Modification’ of 2014; and

**WHEREAS**, the Town Board has concluded that there will be no adverse impacts to the cultural, social, economic or environmental resources of the Town,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans pursuant to 6NYCRR Part 677 hereby adopts the findings and conclusions set forth in the attached determination of non-significance and issues a Negative Declaration pursuant to SEQRA.

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Councilman Dolan stated that he wanted to address a point in Supervisor Flach's statement in that he does not think that asserting after the fact that it was a Town action and not an action of the applicant sponsor, when is holding in his hand a form filled out by the applicant sponsor signed by Mr. Zee representing that this includes the 9 properties, 310 acres and it is the EAF that they worked off of and reiterated that to state after the fact that it was Town sponsored and not an applicant sponsor and it was signed 03/26/14.

Supervisor Flach stated that on March 7<sup>th</sup> they received the letter and on March 10<sup>th</sup> they asked for three parcels and the Town Board, which Councilman Dolan voted no on and he was not present but there was a 3-1 vote that the Local Law represented all nine parcels and said it could not be spot zoning.

Councilman Dolan reiterated that on March 26<sup>th</sup> it was filled out and added that he didn't interrupt him when he was speaking, he could contradict him when he was done if he liked. He continued by saying that Mr. Zee did sign the certification that it represents the nine properties and in 2013, Albany Supreme Court Justice Lynch ruled the following:

"The court finds that because the Town Board failed to comply with the SEQRA, the subsequent adoption of Local Law #1-2013 was thus null and void. It would be wise to avoid the expense and delay of another lawsuit and issue a Positive Declaration. According to the SEQRA Law it is a Type I Action that requires a Positive Declaration."

Councilman Dolan continued by saying that using solely the EAF presented by the applicant sponsor signed by Mr. Zee, there were 18 areas identified that the Town Board should have looked at and given a hard look and explored further and among those is the fact that the project is in a coastal area, it's in a Special Planning District, it is within 1,500 feet of a school, it is poorly drained, 50% is on a 15% or greater slope, it contains wetlands, it adjoins wetlands, it is in regulated wetlands, it contains streams and wetlands, it is within a 100 year flood plain, it is within a 500 year flood plain, it is over a principal aquifer, it contains endangered plants, animals, and rare species of special concern, it adjoins a hunting or fishing area, it is contiguous to the Coeymans House, it is within a sensitive archaeological site and within 5 miles of Schodack Island. He added that when the EAF was presented to them, according to the meeting minutes of the Workshop, Supervisor Flach reiterated that it is for the zoning action only and no one with the exception of himself discussed any of those impacts upon the zoning and everyone said that the only thing they should consider is what the action of the zoning itself would do, which he believes is incorrect on two basis; it is sponsored by a project applicant, and Judge Lynch's ruling admonished that they not only had to look at the act of zoning, they had to look at the affects that could be inferred from the zoning and the SEQRA regulations require that when you go from one type of zoning to another, you must consider the most intrusive possible use of the land and compare it in contrast, none of which they did at that meeting or subsequent. He went on by saying that he had to add that he was pleased to see the addition of protection to Coeymans Creek, which he didn't know until 4:00pm but that is neither here or there and he is glad that it is included in it so it eliminates a little of what they have to sit through. He continued by saying that in addition to the 14 items that the project sponsor themselves identified he believes there are 18 that should have been answered yes and the Town Board should consider them as follows: impact on municipal services, proposed new non-residential development, impoundment of water, demand for water, and there have been discussions about water from the Village and they were asked to support a grant earlier to potentially bring water to this site with the same for waste water treatment, which is included in the plan and the grant request as well as more than one acre being disturbed. He added that there will be an increase in traffic, even though a traffic plan was done but it says clear in the letter from DOT that the traffic study only pertains to the building of the bridge and specifically says that it does not include any increased traffic from the build-out and Judge Lynch's ruling required that they look at all potential build-out and they could not give away their responsibility to plan on the basis that someday down the road the Planning Board would do a Site Plan Review and it is their responsibility to work on it and figure it out in advance. He went on by saying that it states that the site has been industrial for a long time and again by the sponsors own application, 264 acres of 300+ acre parcel are forest, meadow, wet lands, water or bare rock and then read the following:

- The Town's Comprehensive Plan states that the Town seeks to preserve and protect the Town's water bodies and land that serves as important natural drainage channels and serves as natural habitats.

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- The Comprehensive Plan proposes to explore land use regulations to protect the Town's resources including but not limited to the Hannacroix Creek, Onesquethaw/Coeymans Creek including overlay districts, set back requirements for development adjacent to the creek.

He continued by saying that he is glad that there are set back requirements as well as possible protection of fish, especially the short-nose sturgeon and the Sierra Club, Scenic Hudson and Clear Water have all asked for a Positive Declaration and full Environmental Impact Statement. He added that they should define what industry is allowed and he does not think that it is proper to defer that judgment to Site Plan Review because he believes it is the Town Board's responsibility and he believes that they have to clear up what the water use issue is, which became even more cloudy earlier and the Plan states that it does not require water but yet they are applying for a grant to improve the water as well as there being talks with the water. He went on by saying that he is glad that one of the Albany Planning Board's recommendations was taken regarding the 100 foot buffer along the stream and they also said that the zoning should include a truck traffic study as well as a water and sewer study, soil stability on steep slopes natural resource protection study as well as pointing out that the traffic study included is for the bridge only and not the build out. He continued by saying that the unemployment rate was addressed earlier and people can say all they want about it being a blue-collar town but the majority of people that work in this town have white-collar jobs, which was gotten from the same source that the sponsor got their information. He concluded by saying that he wanted to end with something from Mr. Zee's letter to the Town Board dated May 7<sup>th</sup> and read the following:

"In his decision, Judge Lynch found that the Town did not fully comply with SEQRA when enacting the 2013 town-wide rezoning. According to him, when determining whether zoning may have significant environmental impact, the Board should have considered reasonably related effects of the action including other simultaneous or subsequent actions, which are:

- Included in any long range plan of which the action under consideration is a part.
- Likely to be undertaken as a result thereof, or dependent upon, or
- Depended upon thereon.

The court is unable to conclude that such a review occurred here. While the Board claims to have relied on the 2006 EAF, the record is devoid of any support for the Board's conclusion and the meeting minutes do not reflect the criteria the Board considered before it reached its conclusion that environmental and economic conditions in the Town remain unchanged after more than six years. Further, to the extent the record indicates that the Board deferred consideration to Site Plan Review, such deference was improper"

Councilman Dolan stated that Mr. Laraway had just joined them and he thinks that they are doing Mr. Laraway a disservice by not fully exploring all of the issues and getting them out of the way and he fears that they are going to be back there another year doing the same exact thing because it is going to go to court, it is going to be thrown out of court and he thinks that any Judge will see through, including stuff in a SEQRA that was not discussed at a Town Board Meeting.

Councilman Burns interjected that the survey that was presented to them included a lot of that stuff and usage of the Village water is down right now, the sewer usage is down right now and there is more capacity to be using more and it is just telling him that there aren't as many people in the town right now that the water is needed and there aren't as many people living in the Village. He continued by saying that he does not want to drag his comments out but he grew up here, his father grew up here and his Grandfather grew up here and he was 12 years old and working at the Mushroom Plant and there were 60-70-80 ladies that worked there, helping to support their families and right now there is nothing in Ravena or Coeymans. He added that he is not saying that they should just let anything come here and do whatever they want to do but they have to bring some business into town and they keep saying that they want it to be a residential area, but residential areas aren't going to pay for everything that they need to do and they heard earlier that the infrastructure is 100 years old and no one has replaced or done anything to it because they have never had the money to do it. He concluded by saying that he sees opportunities here to start straightening the Town back up starting with the infrastructure and working their way up and a lot of the vacant houses in the Town and Village can fill up with workers that are going to be working down there and he has seen what they are doing up there.

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Sarah Hafensteiner from the audience stated that he is absolutely right but it does not have to be residential or heavy industrial and there are a lot of options.

Supervisor Flach asked that she hold her comments.

Councilman Burns stated that the businesses that want to come in here, they can review them and they will review them.

Sarah Hafensteiner stated that they won't review them and it is the SEQRA issue.

Supervisor Flach asked Councilman Langdon if he wished to comment.

Councilman Langdon stated that he understands what they are concerned about and he is very interested in sitting and talking with them, which he has done as recent as this past week and he heard what they have to say and he understands the issues that are there. He continued by saying that the problem is that they seem to have an idea that if they go in and just do some nice things in the Hamlet that everything is going to fix itself and Mr. Laraway has presented him a pretty neat portfolio in which he was impressed and they spent ½ million dollars redoing homes down there approximately 10 years ago and fixing them up and he admitted that a lot of those homes are going back into the direction that they were before they touched them.

Mr. Lawler interjected that it wasn't Mr. Laraway, it was himself.

Councilman Langdon apologized for the error. He added that his point is that what they want to do didn't work and what they want to do now isn't working and he has been in this town for 30 years now and the Town has continually depleted, they have seen things emptying out and very few new structures going up and TCI is one of the newest endeavors that they have seen and Lafarge is now committed to building a plant and if you stand up where they call it the Ponderosa, the biggest noise that you hear is the thruway running by. He continued by saying that if you stand there and look at the situation, there is Lafarge to the north, which is heavy industry and you have the Port and he does not know exactly what defines heavy industry, someone said that it has to do with blasting and mining, which is not happening at the Port but it is happening in our town in a pretty big way between Callanan and Lafarge. He added that if you take a look at that area, it is surrounded by all kinds of industrial activity and it only makes sense to fill in that gap and permit industry to happen there, he reiterated that he does not know what the definition there should be but he thinks that it is going to be quite heavy and many people said to him that they didn't know that they built a bridge down there and then put it on the river.

Elyse Kunz from the audience asked if they could just keep it for building bridges.

Councilman Langdon stated that it makes no sense and there is no future in trying to narrow it down to one little industry and they want to help the environment and watch out for the creek, which he is all for but one of the best things that they can do for the environment is to recycle, which is what TCI is doing and there is a scrap yard down there sorting it out and reselling it.

Elyse Kunz interjected that she hears them every night and she knows that they are down there.

Councilman Langdon stated that he knows she knows they are down there but they all have issues.

Elyse Kunz stated that with all due respect, they still have to do the SEQRA process because Mr. Dolan has a very valid point, they might not like it but it is valid.

Councilman Langdon stated that they will be doing the SEQRA process over and over and over again because every project is going to require it.

Elyse Kunz interjected that they have not done it and they are not doing it over and over.

Councilman Langdon stated that they need to turn this into an industrial area so they can let the business community know that they are going to be friendly to industry coming in.

Elyse Kunz stated that they are not going to have any people living here.

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Councilman Langdon stated that he knows that they want to point to the Port and say that it is the reason that everyone is leaving town but it was happening long before Carver Laraway bought the Port and asked that they not turn it around and blame it on a man who came in here and sewn more back into this community than what most of them have.

Elyse Kunz stated that with all due respect he has no idea what the people in the Hamlet have done.

Councilman Langdon stated that he was sorry but they can see where the Hamlet is right now and it needs to change and he is all for that change and he is all for what they want to do for the historical area, he restored an old house himself and he wants to do things like a nice walkway and other great recreational things that they can do along the river and creek and it isn't going to happen just because they turn around and kick all of the industry out and hope that something is going to come in. He added that this town was built on this type of activity and they have learned to change with the times, when the ice was no longer needed they found other things to do with the area, which is exactly what is happening here, they are seeing an evolution of an area that is accommodating the change in the economic situations that are going on around us. He went on by saying that he lives over on Rte. 101, adjacent to Lafarge quarry, Callanan's property abuts the back of his as well as the railroad and at 3:00am he can hear the whistles.

Rick Touchette from the audience stated that it was all there when he moved in.

Councilman Langdon stated that it was but so was all of the industry that was happening, there was a brickyard working down there and they are acting like none of this stuff existed until Carver Laraway walked into town.

Elyse Kunz from the audience interjected that they are just asking that the SEQRA process be done.

Councilman Langdon stated that they have a solid interest in what they want to see happen in this town and he agrees that there is a different perspective of what needs to be done and he is sorry that they disagree with him. He added that he will listen to them and he would love to sit down with them on a regular basis, he will listen to what they have to say and in turn they will see what they can do about implementing everything that they need to implement and reiterated that what they have been trying isn't working and they have to shift and do something different. He continued by saying that if he is wrong, get rid of him in four years but he came into office because the Town voted for him and he knows that it is a very small group sitting in the room compared to the constituents that they have out there in the town and it was not a small marginal election and it happened again in the Village and he is telling them that there is a mandate for this also. He reiterated that he is sorry that they disagree but he will attempt, and it does not stop the idea, that he wants to see a nice recreational site developed by the marina and landing and they talked about some ideas and he is all for sitting down and developing that side of it because he believes that our town can actually support both. He concluded by saying that he truly believes that and if he is wrong, God forgive him and he hopes that they will someday too but he really does not think that he is and he is doing what he feels is for the betterment of the Town.

Elyse Kunz asked that they just do the SEQRA.

Councilman Burns stated that there will be SEQRA review and when new business comes in, they will have to do SEQRA Review before they can build.

Elyse Kunz interjected that they do but if they read the judgment from Judge Lynch, it says that they have to do the SEQRA Review on the Proposed Law.

Councilman Langdon stated that he disagrees with the opinion.

Supervisor Flach asked Councilman Masti if he had any comments.

Councilman Masti stated that he has not been in town for 30 years but when he was in northern California he loved fishing on the upper Sacramento River and one day there was a train coming along and a couple of trains dropped in the river with pesticides in it and it killed everything for miles past Redding, where he lived, the river was dead so in turn they built ponds, stocked them

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with trout and it took five years but it came back and all of the safety regulations were followed but accidents happen. He added that in northern California there is a place called Simpson Paper Mill and when he was there, approximately 40 years ago, they planted hundreds of acres of eucalyptus trees on their property and took care of them and their plan was to utilize those trees to make their paper and when it came time to start harvesting the trees that they planted and took care of on their property, certain organizations put up a stop and brought it to court saying that there was now wildlife habitat with deer, rabbit, fox, etc., the Judge sided with them and it was a major reason why that company went out of business, 400 people lost their jobs because of environmentalists. He went on by saying that he is a farmer, he loves his land, he takes care of his land and he always will but environmentalists get a little extreme when they start telling him what he has to plant, harvest and with Agenda 21 with the government telling him all of this, he is a little ticked off about it because it is his land and he will take good care of it. He continued by saying that when he first came on the Board he knows that Councilman Langdon and Councilman Burns had meetings with people at one of their homes and he along with Councilman Dolan, which Mr. Dolan did a major part in organizing, had a meeting at Yanni's and Barbara, Paul and Mr. Laraway were there and they looked at a map of what this gentleman was planning and they talked about it and said that they would have further meetings and the left it with a positive note with what was planned out saying that they would push the 100 feet back, put up buffer zones, do the bridge etc., all of this was laid out over two years ago. He continued by saying that no one ever called him about another meeting and all he knows is that all of a sudden everyone in the Hamlet got riled up and all of a sudden Mr. Laraway is a demon, which was the same with TCI and he is big on recycling and all of the transformers that TCI would not be recycling would be going to landfills and as an environmentalist, he does not like things in landfills because landfills have problems and leak. He went on by saying that he has been watching the TCI plant go up, how they are doing it and he reviewed their Storm Water Pollution Prevention Plan that they put together so they are making sure that there isn't silt going into the creek as well as having back-up plans and he has seen Mr. Laraway's pipes going down for storm water drainage so things don't go into the creek and he also knows that there are over 50 SPDES Permits along the creek that people are allowed to put things in as well as a few houses along the creek that don't have SPDES. He added that he wants them to work together, he said it two years ago and he thinks that they have more people on the Board willing to work together but he also knows that in going through his own SEQRA, which he did online, so he wouldn't feel like he was "bought out" by what some people were saying or he "sold out" the Town and he does not think that the law that they are passing is going to have any major impact compared to when he looks at this land and the creek where there is a railroad, which now has two lines bringing oil and who knows what else in on those lines going across the creek and they don't have any special safety barriers where they cross the creek. He continued by saying that they have the NY State Thruway and they don't know what is in the trucks but they would be surprised what is carried and they are worried about a major impact but they have no control over them as well as the same thing on SR 144 and Rte. 9W where it's the same thing, they don't know what is going down the roads and they have no control because they are State roads and he would love to get those roads fixed, they are unsafe and as the Town they can write a letter but you know how that goes when you are dealing with NY State, it doesn't get very far usually. He went on by saying that he thinks this is the best way to go because it opens a door and he disagrees with the Judge too but he is human and he makes mistakes and he thinks that this law will get them started so that when people do come in, hopefully will be as responsible as TCI because he has a box with all of the reports from the fire department, ENCON and all the companies they hired to test the air, land and water for 10-15 miles from the site and nothing was at a toxic level and the only violation that they got as a result of the fire was because they had not notified the fire department as to what chemicals they had in there. He reiterated that accidents happen, the fire was not caused by TCI, they are not a demon, they are coming in above board and going way beyond regulations to make sure that another accident does not happen and he thinks that all of them want to take preventative action so accidents don't happen but the fact is that they do happen and people don't mean for them to happen, sometimes they are just stupid and sometimes they are a legitimate accidents but they deal with it and they go on just like upper Sacramento coming back to life. He concluded by saying that he thinks this is going to bring Ravena back to life and he would love to see the Hamlet blossom again and Councilman Langdon was sharing with him some of his thoughts about walking bridges and turning the waterfall into a centerpiece, which is a great idea but this Town right now does not have the money and in talking about the grant, if they can get water pressure down there, he is in favor of making the Hamlet safer and if Carver is willing to donate the money to do that, God bless him and they will figure out what else they can do and they have to stop demonizing each other and

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get down to the fact that they are all in the same town, have to work together and not backbite each other after they are done talking and he is in favor of it.

Councilman Dolan interjected that he believes those were owls in the California case.

Councilman Masti stated that the spotted owls were up there too.

Councilman Dolan stated that he mentioned demonizing and he had never demonized Mr. Laraway or any of his businesses.

Councilman Masti interjected that he didn't mention any names.

Councilman Dolan stated that he was pointing it out for the record and he does not think that they should decide on a zoning change based on who the person is because Mr. Laraway might not be there forever.

Councilman Dolan and Councilman Masti collectively stated that they are not basing it on one person or Carver Laraway.

Councilman Dolan stated that either way, they need to look at the possible consequences and exhaust them all.

Councilman Masti stated that he thinks they have in the past three years.

Councilman Langdon stated that each project that goes in there will be exhaustively reviewed.

Supervisor Flach asked for a roll-call vote.

First Deputy Vatalaro continued with a roll-call vote as follows:

Stephen Flach – AYE, Peter Masti – AYE, George Langdon – AYE, Thomas Dolan – NAY, Kenneth Burns – AYE

VOTE – AYES 4, NAYS 1 – SO MOVED

Supervisor Flach asked that Councilman Burns introduce the resolution.

Councilman Burns continued by reading the following:

**RES. #106 ADOPTION OF PROPOSED LOCAL LAW “ZONING MAP MODIFICATION”**

On motion of Councilman Burns, seconded by Councilman Dolan, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 1 – SO MOVED

**WHEREAS**, the Proposed Local Law “Zoning Map Modification” Local Law #4 of 2014 to rezone property located within the Town of Coeymans was introduced by a member of the board at the March 10, 2014 meeting; and

**WHEREAS**, a Public Hearing was duly advertised in the official newspaper of the Town; and

**WHEREAS**, said Public Hearing was held on April 28, 2014 at 6:00 pm at Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the Proposed Local Law, or any part thereof; and

**WHEREAS**, pursuant to Part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town of Coeymans that adoption of said proposed Local Law would not have a significant effect upon the environment; and

**WHEREAS**, the Town Board of the Town of Coeymans after due deliberation, finds it in the best interest of said Town to adopt said Local Law.

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**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans hereby adopts the Proposed Local Law “Zoning Map Modification”

**BE IT FURTHER RESOLVED**, that the Town Clerk of the Town of Coeymans is hereby directed to enter said Local Law into the minutes of this meeting and in the Local Law Book of the Town Coeymans, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

Councilman Dolan stated that he had a question for Attorney Wukitsch and continued by saying that they previously called it Local Law #4 and then questioned what it should be when it is a zoning change.

Attorney for the Town Wukitsch stated that it should still be Local Law #4.

Supervisor Flach asked if it has to say Local Law #4.

Attorney for the Town Wukitsch stated that they can call it both, also known as Local Law #4 of 2014 and suggested that they amend it to reflect that.

Supervisor Flach stated that they will amend it to say:

**WHEREAS**, Proposed Local Law #4 of 2014 – Zoning Map Modification.

Attorney for the Town Wukitsch agreed with the amended wording.

Councilman Dolan interjected that he would say everything that he said about the SEQRA but he would spare everyone by not saying it again.

Supervisor Flach called for a roll-call vote.

First Deputy Vatalaro continued with a roll-call vote as follows:

Stephen Flach – AYE, Peter Masti – AYE, George Langdon – AYE, Thomas Dolan – NAY, Kenneth Burns – AYE

VOTE – AYES 4, NAYS 1 – SO MOVED

Councilman Dolan interjected that he thinks that the Board made a mistake.

**LOCAL LAW #4 OF 2014 – ZONING MAP MODIFICATION**

**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

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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.

**RES. # 107-14 APPOINT PART-TIME OFFICERS**

On the motion Councilman Dolan, seconded by Councilman Masti, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

**WHEREAS**, the Chief of Police is desirous of hiring part-time Police Officers who are certified; and

**WHEREAS**, the Chief of Police has conducted a search for available part-time Police Officers and interviews have been conducted.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Coeymans does hereby appoint Scott L. Kline and Kevin J. Schwebke to the position of part-time Police Officers effective May 14, 2014 pending a successful background check, one year probation and Albany County Civil Service approval. Part-time Police Officer Kline and Schwebke will be compensated at a rate of \$18.13 per hour as designated in the current Collective Bargaining Agreement.

Councilman Dolan asked that Chief Darlington speak to the resolution.

Chief Darlington stated that in past months they have had a couple of part-time and a full-time officer's leave and the staffing has dwindled quite a bit and coverage is becoming tougher and tougher especially with summer time vacations. He added that both officers are certified and one potentially after his training might be able to replace the full-time position.

Councilman Dolan asked if there is a limit to the number of hours that they can work per pay period.

Attorney for the Town Wukitsch interjected that it is in the Collective Bargaining Agreement.

Chief Darlington stated that because Officer Kline is on the Civil Service list, if he passes the agility test, it will be less than full-time and then there will be no limit and Officer Schwebke is 20 hours a week on average.

Attorney for the Town Wukitsch asked Councilman Dolan what the point of his question was and whether it was because if they work a certain number of hours they become full-time.

Councilman Dolan stated that he was just asking how many hours a week he can schedule.

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**RES. #108-14 MERGE BEAUTIFICATION AND HIGHWAY DEPARTMENTS**

On motion of Councilman Masti, seconded by Supervisor Flach, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 1 – SO MOVED

**WHEREAS**, the Town Board of the Town of Coeymans have discussed the merging of the Beautification Department with the Town Highway Department; and

**WHEREAS**, it has been determined that such merger would be in the best interests of the Town and would be fiscally responsible to merge said departments; and

**WHEREAS**, funds from the Beautification Department budget will be transferred to the Highway Department in an effort to continue shared services;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Coeymans hereby authorizes the Supervisor to direct the Clerk to the Supervisor to transfer the necessary funds from the Beautification Department to the Highway Department in a manner that is acceptable by the Town's Municipal Accountant.

**BE IT FURTHER RESOLVED**, that all current Beautification Department employees shall become employees of the Town Highway Department and hold the appropriate Civil Service title.

Supervisor Flach asked Highway Superintendent Searles if he had anything that he wanted to say.

Highway Superintendent Searles stated that they have been at the Highway Department since January, everything is going good and this is just so if they are short an employee, he can send someone from Highway without being charged back from the Beautification Department and this will incorporate them all into the Highway Department.

Supervisor Flach asked how many employees there are in the Beautification Department.

Highway Superintendent Searles stated that there are three, two laborers and a Parks and Recreation Supervisor.

Supervisor Flach stated that the two laborers will be put in the DB Fund – Personal Services, they are currently in the CSEA Union because they are full-time and they will stay with their same titles.

Highway Superintendent Searles stated that the Parks and Recreation Supervisor will go in the Highway Administrative A-Fund and reiterated that everything remains the same.

Supervisor Flach stated that Mr. Perry will remain the Parks and Recreation Supervisor.

Councilman Dolan asked if the other Beautification workers will be paid out of the DB Fund.

Highway Superintendent Searles stated that they will and it will be transferred.

Councilman Dolan stated that it would be non-Village residents paying their salaries as opposed to now when the entire Town paying their salaries and then asked why they would want to do that.

Highway Superintendent Searles stated that it is the way that it used to be.

Councilman Dolan agreed and said that is why they changed it.

Supervisor Flach stated that the problem is that they can't use them in other capacities and there is a lot of wasted time with Beautification Department staff, which he has stated since he came into office and now they can work at the Highway Department if they need someone, instead of seasonal and it works together and they will save money on the building.

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Attorney for the Town Wukitsch stated that it is the main point and Town Law allows the Board to combine and consolidate departments, which is really the purpose here, to accomplish some efficiencies by doing that and what part of the budget that funds it is something that the accountant can work out, which deals with what Councilman Dolan is saying and reiterated that the real reason is to save money and Town Law authorizes it.

Councilman Masti interjected that it is like shared services.

Attorney for the Town Wukitsch stated that they don't need separate departments with a separate administrative framework.

Councilman Dolan stated that it is an unshared service because the Village used to pay for a portion of the work that was done but now they are paying nothing.

Janet Kessler from the audience stated that several years ago her son was involved in a program that the Town had for kids during the summer months and they took care of the parks, mowed lawns and cut brush for a stipend and then asked if they still have the program.

Councilman Dolan stated that now they have a program through Albany County and the Town used to have its own program where they would hire youth. He added that the Town does not have that for the parks anymore and just have it for the Recreation Program.

Janet Kessler asked why they don't have it.

Councilman Dolan stated that he didn't know.

Supervisor Flach stated that they have not had that for several years and basically Albany County has a program where they pick people from the area.

Janet Kessler interjected that there would be 15-20 kids and her son was one of them who worked at Joralemon Park, they picked up brush, cut brush down, mowed the lawns, and painted.

Supervisor Flach stated that now Albany County has youth who do office work, work at the Sewer Plant, Highway and Beautification Departments.

Janet Kessler stated that she was glad that they still have a program.

Supervisor Flach asked Councilman Dolan if he also had a program.

Councilman Dolan stated that it is his program and the difference now is that you have to be income eligible for it and the program the Town used to have anyone could do it.

Janet Kessler stated that it keeps the kids off the streets and gives them something to do.

Councilman Dolan stated that he was against shifting the burden back to the Hamlet and the west of Rte. 9W.

**RES. #109-14 AUTHORIZE CONSTRUCTION OF SALT SHED**

On motion of Councilman Langdon, seconded by Councilman Burns, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 1 – SO MOVED

**WHEREAS**, the Town of Coeymans Highway Superintendent has determined that it would be in the best interest of the Town to build its own salt shed; and

**WHEREAS**, the anticipated cost of doing so is approximately \$75,000; and

**WHEREAS**, the Town will seek a BAN or BOND for the construction of the salt shed; and

**WHEREAS**, the Town has already received DEC approval for the construction of the salt shed with an approved location of Jarvis Road South, off the footprint of the closed landfill site;

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**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Coeymans does hereby authorize the Town Supervisor to seek a BAN or BOND for the construction of a Town owned salt shed.

Councilman Dolan asked if it includes the base.

Highway Superintendent Searles stated that it is for everything except the salt.

Councilman Dolan asked Highway Superintendent Searles approximately how much he spends on salt in a year.

Highway Superintendent Searles stated that it varies and so far since January 1<sup>st</sup> it has been \$24,000.00 and in his budget he has \$60,000.00 but that is also for calcium chloride, flake magnesium and things like that.

Councilman Dolan stated that he does not see recovering the cost.

Councilman Masti interjected that it would give them the security of having salt.

Councilman Dolan stated that it would only be for as long as they could get it.

Councilman Langdon stated that they can buy it in bulk and the problem is that they were buying it by the truckload from the County and the County cut them off at one point, which open the Town's liability up because they are not servicing their roads.

Highway Superintendent Searles stated that he could not get it from anywhere else.

Councilman Langdon stated that at one point they ended up paying \$20.00+ more a ton for it because they didn't have access to a municipality source.

Councilman Dolan asked how many tons he had to buy from a private source.

Highway Superintendent Searles stated that it was three times and over \$4,000.00.

Councilman Dolan asked if it was \$4,000.00 extra.

Highway Superintendent Searles stated that it was.

Supervisor Flach stated that they paid \$24,000.00 to the County and then asked if they were overcharged.

Highway Superintendent Searles stated that he feels as though they were for the mixture because they were supposed to mix it 1-3 and were mixing it 1-5.

Supervisor Flach interjected that it was by their own admission.

Highway Superintendent Searles stated that he was correct.

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**TOWN BOARD WORKSHOPS/MEETINGS**

- Town Board Workshop, May 20, 2014, 6:00pm
- Town Board Meeting, May 28, 2014, 7:00pm

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**ADDITONAL COMMENTS**

Supervisor Flach asked if there were any other comments.

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Councilman Burns stated that he is praying that everyone will be patient with them and he knows that there are a lot of them that don't agree on their decision but if they just trust them in that they are not going to let any fly-by-night business come into town and like they all said, they want the same thing that the residents want.

Barbara Heinzen stated that she believes that but from her point a view it is a question of respecting what the law asks them to do and she does not think that they are doing it, which is a very simple issue.

Councilman Burns stated that he goes by what Attorney for the Town Wukitsch says and he uses wisdom of other people and not just his own.

Barbara Heinzen said that she understands that but they are getting different advice.

Councilman Burns stated that he will agree to disagree and reiterated that their best interest if for the Town.

Barbara Heinzen stated that as Paul said, they all want what is best for the Town but they have different ideas on how to get there and until they can talk to each other sensibly about what's appropriate they are going to just keep hitting each other in the head, which is not helpful.

Councilman Langdon stated that he wanted to apologize for his comment about what folks have put into the Hamlet in comparison, it was out of line and he does not have a clue about what they have done quite honestly but he was riled up and reiterated that he wanted to apologize.

Barbara Heinzen stated that they all get carried away and likewise she will apologize for any inadvertent insults she may have thrown in his direction in the heat of the moment.

Supervisor Flach asked if there were any other comments.

Councilman Masti stated that he gone through and pulled some minutes from Town Board Workshops in 2005 and one statement that he did find a little disturbing while they were discussing the development of the Hamlet of Coeymans is that the brickyard was taken out of the industrial zone so that such things as river view condominiums or town houses could be placed there and someone said that he was not sure of the Hudson River Estuary goals and someone else said that there are 5-10 and 15 year goals and they want to make it scenic from the Adirondack to New York City and restore it to its natural pristine beauty and town houses or condominiums would probably not be a part of it and for those who asked why they let the Port do what it did, it doesn't sound like everyone would have been happy with town houses or condominiums either. He continued by saying that he wanted to correct Councilman Dolan and he wanted to point out that it was the redwoods on the western coast of California where it was specifically the Sierra Club that said they could not cut down the overgrown redwood forest because the Spotted Owl lives there and they need it to nest and a couple years later their study found out that they were thriving in the forests that were managed and thinned out because they could see rats and stuff so they could eat better and there were brush piles that they could nest better in so they actually did better where man had thinned it out. He concluded by saying that he takes everything, whether environmental or not with a grain of salt.

Supervisor Flach asked if there were any other comments hearing none he continued by saying that he was sorry for the rudeness and behavior of many people in the crowd, he would like to think that they are all adults but the unprofessionalism and comments that have been made during the Public Hearing, to people personally and to the Board, he is sorry that they were subjected to that because it is wrong and people need to grow up for lack of a better word.

Supervisor Flach asked for a motion to adjourn.

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**ADJOURNMENT**

**MOTION**

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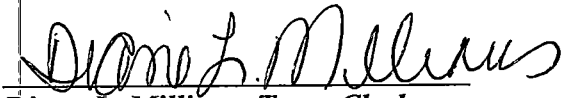
On motion of Councilman Langdon, seconded by Councilman Masti, the Town Board Meeting was adjourned.

**VOTE – AYES 5 – NAYS 0 – SO MOVED**

**Time – 9:12pm**

*Respectfully Submitted,*

**APPROVED** – As Read May 28, 2014



*Diane L. Millious, Town Clerk*