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ACPB Meeting Minutes – December 21, 2023

NOTE: The December 21, 2023 meeting of the ACPB was held in person at the Albany County DPW office in Voorheesville. The meeting was also available remotely via Microsoft Teams for the public to participate.

Board Members Present: Gerry Engstrom, Travon Jackson, Brian Crawford, Beth Lacey & Jeff LaFontaine.

Board Members Absent: None

Albany County Public Works Office: Gopika Muddappa, Senior Planner; Lynn Delaney, Secretary; James Mearkle, Traffic Engineer; Zachary Smetana, Albany County Dept. of Management and Budget, Ex Officio; David Reilly, Commissioner of Albany County Management and Budget; Kevin O'Connor, Albany County Director of Economic Development, Conservation and Planning; Yorden Huban, Albany County Law Dept., Albany County Comptroller's office, Ex Officio.

Guests: Robin Gray, Karen White, Dave Ingalls, Nick Laraway, Stef Ferradino & Ed Ackroyd.

Minutes: Lynn Delaney

Call to Order: Gerry Engstrom called the meeting to order at 3:36 pm.

Vote for Meeting Minutes:

October 2023 – Travon Jackson made a motion to approve the October 2023 Meeting Minutes. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom (Beth Lacey and Jeff LaFontaine were not in attendance at the October 2023 meeting).

November 2023 – Beth Lacey made a motion to approve the November 2023 Meeting Minutes. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

ACPB December 21st, 2023 Meeting Minutes – FINAL

Beth Lacey made a motion move all the cases with a Staff Opinion of Defer to Local Consideration to the front of the agenda and vote on them as a group. The one exception to this case is **#05-231104092** (Carver Companies Area Variance). That referral was pulled and will be voted on separately.

Case #:	<u>01-2311040386</u>
Project Name:	Sweet Pilgrim Baptist Church Addition
Applicant:	Sweet Pilgrim Baptist Church
Project Location:	4 and 8 Ten Broeck Street
Municipality:	City of Albany
Parcel Size:	0.19 acres
Zoning:	Mixed-Use Neighborhood Edge; Townhouse (MU-NE; R-T)
Tax Map Number:	65.82-4-30, 65.82-4-29
Referring Agency:	City of Albany Planning Board
Considerations:	Development plan review for the proposed construction a two-story, 2,930 SF addition to the Sweet Pilgrim Baptist Church.
Action Type:	Site Plan Review (Development Plan Review)
Juris. Determinant:	State Road
Potential Impacts:	9 Clinton Avenue, Historic District
Staff Notes:	The Applicant proposes to construct a two story addition (2,930 +/- SF) to the Sweet Pilgrim Baptist Church. This addition will provide additional space required for the Sweet Pilgrim Baptist Church to carry out its mission. The addition will have office space, multi-purpose rooms, conference room, an elevator and rest rooms. A new 3" Type K copper water service will be provided to the building to provide for a fire sprinkler system and potable water to serve the addition. Sanitary sewage will be directed into the plumbing system of the existing church where it will discharge through existing lateral to a sewer on Clinton Avenue. Roof drainage from the addition will be collected in three slow release roof drains which will be connected using a new 6" PVC lateral to the existing combined sewer on Ten Broeck Street. This will require a Lot Modification Application to combine Nos. 4 & 8 into a single lot with an area of 0.20 acre. The proposed action is marked as a TYPE II action therefore no Short Environmental Assessment Form (SEAF) is provided.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: **06-2311040378**
Project Name: **2124 Railroad Drive - Special Use Permit**

Applicant: Caleb Wells
Project Location: 2124 Railroad Drive
Municipality: City of Cohoes
Parcel Size: 0.50 acres
Zoning: R-2 Residential
Tax Map Number: 11.54-1-7
Referring Agency: City of Cohoes Planning Board

Considerations: Special use permit to build a two-family house in the proposed location.

Action Type: **Special Use Permit**

Juris. Determinant: State Park
Potential Impacts: State Owned Park

Staff Notes: The applicant proposes to build a two-family house in the R-2 Residential zone. The parcel is currently vacant. The proposed action is marked as a TYPE II action therefore no Short Environmental Assessment Form (SEAF) is provided.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 07-2311040383
Project Name: Use Variance for Major Conservation Subdivision

Applicant: 686 Rte 7 LLC
Project Location: 74A Sparrowbush Road
Municipality: Town of Colonie
Parcel Size: 4.40 acres
Zoning: Office Residential (OR)
Tax Map Number: 9.3-2-51
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Use variance for the proposed major conservation subdivision with 78 lots for Single Family Residential construction.

Action Type: Use Variance

Juris. Determinant: State Road, Agricultural District
Potential Impacts: 87 Adirondacks Northway, FEMA Floodzones

Staff Notes: The proposed major subdivision for 78 single-family residential lots is not a permitted use in an Office Residential (OR) zoning district as per the Town of Colonie Land Use Law. The applicant requests for a use variance to allow for major conservation subdivision and to allow for single-family residence along with 480,000 SF of office space (which is permitted under the existing O-R zoning). The site is currently vacant and has been historically used for agricultural purposes. As per the Short Environmental Assessment Form (SEAF), a total of 40 acres is to be disturbed during the proposed subdivision.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Advisory Note: 1. The Town Zoning Board should consider the precedent setting nature of allowing use variance in the Office Residential (OR) zone.

Case #: 07-2311040385
Project Name: Philips Med Systems - Dust Collection Pad

Applicant: Paula Patalino
Project Location: 450 Old Niskayuna Road
Municipality: Town of Colonie
Parcel Size: 26.80 acres
Zoning: Airport Business Area (ABA)
Tax Map Number: 18.-3-24.2
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the construction of concrete pad for the dust collection equipment.

Action Type: Site Plan Review

Juris. Determinant: Airport
Potential Impacts: Albany International Airport

Staff Notes: The applicant proposes the addition of a dust collection equipment pad. These proposed improvements will provide the necessary areas to complement the operations conducted at the site during the manufacturing of MRI equipment. The dust collection equipment will require the installation of a concrete pad as shown on the site plan. There will be no impact to the adjacent properties as a result of the proposed improvement that may create noise, visual, drainage or other impacts. The project site is currently occupied by two buildings that house the offices and manufacturing facilities of Philips Medical Systems MR, Inc.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: **07-2311040395**
Project Name: **OrthoNY Generator**

Applicant: BBL Construction
Project Location: 121 Everett Street
Municipality: Town of Colonie
Parcel Size: 3.78 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 54.1-3-9
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the proposed generator and concrete pad on the rear of the building.

Action Type: **Site Plan Review**

Juris. Determinant: County Road
Potential Impacts: CR 155 Everett Road

Staff Notes: The applicant proposes to install a generator and pad 8'x20' and to remove portions of existing pavement including 3 parking spaces which will minimally reduce the impervious area of the existing greenspace on site. The proposed site coverage statistics will not change significantly from the existing conditions. Approximately 486 s.f. of pavement shall be removed and replaced with the concrete pad and grass as shown on the site plan which will result in a minimal increase in greenspace. The site contains one two-story building which has ORTHO NY as its primary tenant. Existing drainage runs by sheet flow towards existing catch basins within the existing parking lot and ultimately to an existing stormwater management basin. Less than one acre (0.01 acres) of land is anticipated to be disturbed during the proposed action as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 13-2311040381
Project Name: Lands of Rapp and LaValley

Applicant: Cynthia Elliot
Project Location: 19 Great View Terrace
Municipality: Town of New Scotland
Parcel Size: 25.90 acres
Zoning: Residential Agricultural (RA)
Tax Map Number: 72.-3-40.3
Referring Agency: Town of New Scotland Planning Board

Considerations: Two lot subdivision of the 25.90 acres into Lot 1 consisting 3.11 acres and Lot 2 consisting 22.8 acres.

Action Type: Subdivision Review

Juris. Determinant: Municipal Boundary, Agricultural District
Potential Impacts: Intermunicipal Boundaries of Town of New Scotland and Village of Voorheesville

Staff Notes: An application to subdivide the existing 25.90 acres with an existing dwelling with all the improvements into two parcels for the purpose of estate planning and future sale. The new boundary between the proposed parcels will use the existing National Grid property which is owned in fee by National Grid. This will put the dwelling, located to the west of National Grid, on 3.11 acres which is proposed to be Lot 1, and the farm with a barn, located to the east of National Grid on 22.8 acres which is proposed to be Lot 2.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 15-2311040388
Project Name: Maranga Variance

Applicant: Glen Maranga
Project Location: 546 Huntersland Road (546 CR 10)
Municipality: Town of Rensselaerville
Parcel Size: 38.24 acres
Zoning: Resource Conservation (RC 3)
Tax Map Number: 124.-1-23.1
Referring Agency: Town of Rensselaerville Zoning Board of Appeals

Considerations: Area variance to the proposed two lot minor subdivision where one of the lots does not meet the 15 acres minimum requirement.

Action Type: Area Variance

Juris. Determinant: County Road, Municipal Boundary
Potential Impacts: CR 10 Huntersland Road, NWI Wetlands, Intermunicipal Boundaries of Town of Rensselaerville and Town of Berne

Staff Notes: The applicant proposes to subdivide the existing 38.241 acres into Lot 1 with 6.612 acres and Lot 2 with 31.629 acres. The zone Resource Conservation (RC 3) requires a minimum of 15 acres for residential minor subdivisions. The applicant requests the relief of 8.388 acres for the proposed Lot 1. The parcel currently contains a mobile home and few accessory buildings which is to be remain on Lot 1 and a new home is to be constructed on Lot 2.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Advisory Note: 1. The Town Zoning Board should consider the precedent setting nature of allowing area variance in the Resource Conservation (RC 3) zone.

Case #: 12-2311040380
Project Name: **Bloom Bros - Cannabis Dispensary**

Applicant: 4G reality Holdings, LLC/ Bloom Brothers, NY Inc.
Project Location: 442 Broadway
Municipality: Village of Menands
Parcel Size: 4.76 acres
Zoning: Broadway Business District (BBD)
Tax Map Number: 44.18-2-15
Referring Agency: Village of Menands Planning Board

Considerations: Special use permit application to open a new retail cannabis dispensary.

Action Type: **Special Use Permit**

Juris. Determinant: State Road
Potential Impacts: 32 Broadway

Staff Notes: The applicant is proposing a modification to the existing property to create a cannabis retail store that is fully licensed with the state's Office of Cannabis Management for fully legal cannabis sales. There will be no modification to the existing building's footprint, but to the exterior improvements such as resurfacing the parking lot, painting the exterior, adding security cameras and additional lighting, and adding landscaping. Additionally, interior improvements include creating a brand new floor plan with security system that is in full compliance with all local and state safety regulations, ADA compliance, and cannabis industry specific compliance measures. Less than one acre of land is anticipated to be disturbed during the proposed action as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Defer to local consideration
 1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Travon Jackson made a motion to accept the staff recommendation for Case # 01-2311040386, 06-2311040378, 07-2311040383, 07-2311040385, 07-2311040395, 12-2311040381, 15-2311040388 & 12-2311040380. The motion was seconded by Beth Lacey and was unanimously approved by the Board.

Beth Lacey made a motion to move the Carver Area Variance and GE /LM Wind project to the next spot on the agenda. The motion was seconded by Jeff LaFontaine and was also approved by Travon Jackson and Brian Crawford.

Gerry Engstrom stated that he needed to recuse himself from these cases due to a conflict of interest with his employer. Gerry left the meeting room and Travon Jackson, Vice Chairperson, took over leading this discussion.

Case #: **05-2311040392**

Project Name: **Carver Area Variance**

Applicant: Carver Companies

Project Location: 1916 US 9W

Municipality: Town of Coeymans

Parcel Size: 3191.10 acres

Zoning: Industrial (I-1)

Tax Map Number: 156.-2-1.11

Referring Agency: Town of Coeymans Zoning Board of Appeals

Considerations: Area variance requesting relief of 41' setback whereas 9' is proposed.

Action Type: **Area Variance**

Juris. Determinant: Interstate Highway, Agricultural District, State Road, Municipal Boundary

Potential Impacts: I87 New York State Thruway, 144 river Road, Intermunicipal Boundaries of Town of Coeymans and Village of Ravena, NWI Wetlands, FEMA floodzone, Hudson River

Staff Notes: The applicant requests relief from the required 41' setback as per the Section 165 Attachment 5 Schedule District Zoning Regulations Side Setback whereas 9' is proposed. The proposed project is a construction of an 80 acre campus for the manufacturing, laydown and transport of offshore wind blades. The project contains an interior property line that bisects the proposed project. A proposed manufacturing building encroaches on the side setback for this interior property line.

Staff Opinion: Defer to local consideration

1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Advisory Note:

1. The Town Zoning Board should consider the precedent setting nature of allowing area variance in the Industrial (I-1) zone, particularly those expanding developments across multiple contiguous parcels.

Jeff LaFontaine made a motion to accept the Staff Recommendation for Case #05-2311040392. The motion was seconded by Brian Crawford and was also approved by Beth Lacey and Travon Jackson.

Travon Jackson noted that there are numerous guests in attendance for this portion of the review.

Case #: 05-2311040391

Project Name: GE/LM Wind Project

Applicant: Carver Companies

Project Location: 87 Bronk Road & 1916 US 9W

Municipality: Town of Coeymans

Parcel Size: 3415.10 acres

Zoning: Residential (R-1), Industrial (I-1)

Tax Map Number: 156.-2-1.11, 156.-3-1.1

Referring Agency: Town of Coeymans Planning Board

Considerations: Site plan review for the construction of 80 acre campus and manufacturing facility to support wind turbine blade manufacturing.

Action Type: Site Plan Review

Juris. Determinant: Interstate Highway, Agricultural District, State Road, Municipal Boundary

Potential Impacts: I87 New York State Thruway, 144 river Road, Intermunicipal Boundaries of Town of Coeymans and Village of Ravena, NWI Wetlands, FEMA floodzone, Hudson River

Staff Notes: The GE / LM Wind Project is a proposed 80± acre campus and manufacturing facility to support wind turbine blade manufacturing and offshore wind (OSW) facility with 650 to 850 employees in Coeymans, New York. The subject site is located on two (2) parcels in the Town of Coeymans, 156.-3-1.1 and 156.-2-1.11. Additionally, some work is being performed on the parcel associated with the Port of Coeymans (POC), identified by tax map ID number 156.-4-8.1. The development is primarily located north of the POC an existing industrial port, east of NYS State Route 144 (Route 144), south of Bronk Road and west of the

Hudson River. The total parcel area controlled by the landowners is in excess of 3,000 acres, while the total area of development is 120± AC. The project involves the disturbance of approximately 102 acres of land. The proposed facility includes approximately 515,000 SF of manufacturing buildings for fabricating 400 feet long OSW blades. Additional structures within the project footprint include office space for employees, material storage warehouse, and 392 parking spaces for employees and visitors. The bulk of the campus area, approximately half of the 80 acres, will be used for an outdoor blade storage yard. As blades are completed in the manufacturing buildings, they will be transported to this laydown area for temporary storage. The blades will then be taken from the storage yard as needed and transported south via a new 50 feet wide access road connecting the GE / LM wind campus to the POC. Access to the facility will be provided by improvements to the existing Holcim haul road that runs along the conveyor to Route 144. Holcim's existing waterfront access and dock will be maintained through connection to this new road. The applicant intends to use the recently approved 400 feet long wharf at POC to load the blades on barges and transport them downstate for use in OSW projects. The large, paved storage yard and overall scale of the site is required to store, maneuver and transport OSW blades, which are uniquely long and challenging components to handle during project operation. The site consists of approximately 24.0 acres of Federal wetlands across both parcels. The applicant is currently proposing 9.5 acres of wetland impacts in coordination with ACOE and NYSDEC. Stormwater will be treated on-site through a mix of green infrastructure practices, including dry swales, porous pavement, and other NYSDEC-approved treatment devices. Parking areas and blade areas in particular are proposed to be constructed with porous materials to limit impervious area and provide water quantity and quality control. Existing drainage patterns will be maintained for the facility and will generally flow west to east towards the Hudson River. the project has split zoning between R-1 Residential and I-1 Industrial. To meet Town of Coeymans zoning requirements, the proposed development has been designed to keep all blade fabrication within the I-1 Industrial zoning where it is a permitted use. The remaining lands within the R-1 Residential zoning, primarily on the Powell property, will be used for the blade laydown area and use as a transportation terminal. In the Town Code this use is best described as a transportation terminal, which is a permitted use within the R-1 zone as a proposed accessory use.

Staff Opinion:

Modify local approval to include

1. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway should be required.
2. A total of 9.5 acres of wetlands is anticipated to be impacted. Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.
3. The Full Environmental Assessment Form (FEAF) identifies NYS Heritage Areas: Mohawk Valley Heritage Corridor and Remediation Site 546031 to be present within the site of the proposed action. Review by the NY State Office of Parks, Recreation and Historic Preservation (OPRHP) for potential impacts on archeological and historic resources should be required.
4. The Full Environmental Assessment Form (FEAF) identifies the presence of endangered or threatened species such as Shortnose Sturgeon, Bald Eagle, Davis' Sedge and American Waterwort. Review by the New York State Department of Environmental Conservation Division of Environmental Permits to determine if permits or additional review is required due to the presence of endangered or threatened wildlife species in the project site.
5. Notification of the application should be sent to the Village of Ravena, including all required notices pursuant to GML §239-nn.
6. The Stormwater Pollution Prevention Plan (SWPPP) submitted for review does not include a Predevelopment Map with watershed/subcatchment boundaries, flowpaths and design points as required by III.B.2.c., the Contractor/Subcontractor certification statements have not been signed and does not identify Trained Contractor as required by III.A.6, and the document is not signed by the authorized representative as required by VII.H.2. The details mentioned above should be required to be completed by the applicant before the approval of the proposed action.
7. The proposed blade laydown area/blade storage yard and transportation terminal is to be located in the R-1 Residential zone as an accessory use. As per Section 165-3 Definitions of the Town Code, an accessory use is defined as "a use, building or other structure customary to the principal use but incidental to, subordinate to, and located on the same lot as the principal use." The Town should consider the impacts of the proposed use to the adjacent land uses and encourage actions such as screening and buffering to reduce any possible negative impacts to the residential properties.
8. The Albany County Planning Board recommends that the State Environmental Quality Review Act (SEQRA) process should be completed to identify whether or not an Environmental Impact Statement is

required to mitigate any identified negative impacts and analyze alternatives to avoid or reduce adverse impacts in condition to the approval of this project.

Advisory Note:

1. The Albany County Planning Board advises that all variance requests such as setback requirements as reviewed in the Case #05-2311040392 Carver Area Variance, should be assessed to evaluate zoning compliance of the proposed project as a condition to the approval of site plan review.

The Board had numerous questions and concerns regarding this submission.

Brian Crawford asked about plans to mitigate the 9.5 acres of wetland. Travon Jackson asked about the accessory use and the use of the term “transportation terminal”. Brian Crawford added that they need to know about the unsigned SWPPP.

Stephanie Ferradino, attorney for the applicant; Nick Laraway with Carver Companies and Dave Ingalls, Engineer for the project were all present to discuss the referral and answer any questions that the Board had.

Dave Ingalls began with addressing the wetlands concerns. He explained that a wetland mitigation plan is in place and gave details on how that is being addressed. Specifically they will be using a mitigation bank with Ducks Unlimited which is approved by the Army Corp of Engineers for this purpose. Dave mentioned that they typically would have a Stormwater maintenance agreement but they do not have it in place yet. Nick Laraway said that Carver currently maintains all the Stormwater systems on their properties. As far as the signatures on the documents, Dave Ingalls stated that they typically do not do that until it is ready to be filed, but the signatures will be added.

Travon said that the view shed analysis and many of the other documents are things that we would expect to see as part of the initial submission package. Gopika stated that most of the documents needed to answer the Board’s initial concerns with this project were not provided to her until yesterday. Specifically, the updated Town of Coeymans zoning map. The map that is available to the public on the town webpage which the residents as well as Gopika were using as a reference, is not the current zoning map. Gopika said that many of the concerns received from the public (see Attachment A.) were related to the industrial buffer zone which made sense based on the information that was available to the public. Stephanie commented that they obviously do not have any control over the Town website, but one of their recommendations back to the town is to provide the public with up to date information related to zoning policies.

Nick Laraway of Carver Companies stated that throughout this process, they have uploaded everything that they have provided to the Planning Board. He said they have opened each meeting with the Town explaining that we have done that so anyone watching the video a day or two later will know exactly how to get the materials.

Travon asked Stephanie to explain the transportation hub language in the project for stationary blade storage. Stephanie gave the explanation of the Town Code language as well as the other legal definitions that were used. Further information about how the storage area will be accessed and utilized was provided.

Brian Crawford commented that he is satisfied with the explanations that were provided today.

Brian Crawford made a motion to accept the Staff Opinion for Case #05-2311040391. The motion was seconded by Beth Lacey and unanimously approved by the Board.

Gerry Engstrom, returned to the room to lead the remainder of the meeting.

Jeff LaFontaine made a motion to move Case #10-2311040389 to the next spot on the agenda due to the fact that we have two guests waiting to speak to the Board about this case. The motion was seconded by Beth Lacey and was unanimously approved by the Board.

Case #:	<u>10-2311040389</u>
Project Name:	Carman Road Senior Apartment Project
Applicant:	Donald F Cropsey Jr
Project Location:	3407 Carman Road
Municipality:	Town of Guilderland
Parcel Size:	1.01 acres
Zoning:	Local Business District
Tax Map Number:	15.18-3-38
Referring Agency:	Town of Guilderland Planning Board
Considerations:	Site plan review for the proposed 12 age restricted dwelling units in three buildings where each building will contain 4 units.
Action Type:	Site Plan Review
Juris. Determinant:	State Road
Potential Impacts:	146 Carman Road
Staff Notes:	This proposal entails the construction of three buildings, each having four age restricted dwelling units on a 1.01 acre parcel of land. The existing access to the site will be modified pursuant to a highway work permit from the Department of Transportation to accommodate a

two-way driveway. 18 parking spaces will be provided including three accessible parking spaces. The site is currently serviced by municipal water and sewer. The existing water line will be increased to a 6 inch service to provide flows for a fire sprinkler system, as well as domestic water. A fire hydrant will be provided at the end of the new service. the existing sewer will be changed to a force main from each building. All site lighting will be building mounted and shielded to prevent glare. Less than one acre (0.64 acres) of land is anticipated to be disturbed during the proposed action as per the Short Environmental Assessment Form (SEAF).

Staff Opinion:

Modify local approval to include

1. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway should be required.
2. The Town should ensure that a notice of intent is filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 29, 2020) is required for construction activities that disturb more than one acre of land.

Advisory Note:

1. The Town should ensure that a demolition review is provided by the applicant to ensure no hazardous materials are present on site.
2. The Albany County Planning Board advises that a review by the local fire department should be required to evaluate for public safety, emergency services access, water availability and any sprinkler system.

Guests Robin Gray and Karen White were in attendance to speak about this referral and the concerns that they have, specifically Stormwater issues, Fire Dept. access and Fire Hydrant access, room for snow removal, & lack of parking. The Board discussed the Stormwater concerns first and review the Site Plan. After some discussion they decided to change the original Advisory Note regarding the SWPPP to a Modification (noted above as Modification #2). Brian Crawford asked that an Advisory Note be added about demolition review (noted above as Advisory # 1). Though the guests said that there had been Fire Dept review from 2 agencies, the recommendations conflicted. Travon Jackson

pointed out that the building has a full sprinkler system. Gerry Engstrom asked that an additional Advisory Note be added requesting that a review be conducted again. Beth Lacey indicated that she understands the concern regarding Snow Removal however, that isn't really an issue that can be addressed by the ACPB.

Travon Jackson made a motion to accept the Staff Opinion for Case #10-2311040389. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 01-2311040377

Project Name: Chick-Fil-A

Applicant: Chick-Fil-A, Inc

Project Location: 944 Central Avenue

Municipality: City of Albany

Parcel Size: 1.89 acres

Zoning: Mixed Used Community Urban (MU-CU)

Tax Map Number: 53.75-1-8.2

Referring Agency: City of Albany Planning Board

Considerations: Development plan review for the proposed quick serve restaurant and six area variances for signage.

Action Type: Development Plan Review, Area Variance

Juris. Determinant: State Road

Potential Impacts: 5 Central Avenue

Staff Notes: The applicant proposes to redevelop the Site with a new ±5,200 SF GFA restaurant with drive thru, outdoor patio area (20 outdoor seats total), a detached ±2,050 SF meal ordering canopy and a ±1,900 SF meal delivery canopy over the Drive Thru (the "Project"). The Drive Thru will consist of two lanes from the entrance to exit and include two order menu boards. There is a 3rd bypass lane proposed around the order points and frontage of the building then consolidates to two lanes on the north side of the building. The two lanes provide ±500ft of stacking each or enough for approximately ±50 vehicles to queue within the drive thru. 98 parking spaces are proposed to support the restaurant dining room and order points located inside. Greenspace on the site is to be improved by reducing lot coverage from ±96% to ±79% (close to an additional 19,000 SF of greenspace onsite plus additional with the ROW). The Site is currently developed with a large existing asphalt parking, a plaza pole sign, light poles, and remnants of a sub-surface foundation from a previously demolished vehicle service station. The lot is currently

±96% covered with impervious surfaces. All the existing features will be removed as part of the redevelopment project. Access to the proposed site is provided through an internal shared access off Central Avenue, which also serves the adjacent car dealership, and a full access connection from Colvin Ave. Both of these driveways are proposed to remain as a part of this project. The project also proposes construction of a series of stormwater management practices to provide the required quantity and quality treatment related to the redevelopment. The existing stormwater management network located within Colvin Avenue is proposed to remain and be the discharge point for the new onsite stormwater infrastructure, similar to existing conditions. The project proposes to decrease the onsite impervious areas to approximately ±2.04 acres, resulting in a net decrease of approximately ±0.57 acres of impervious coverage. On August 1, 2023, the City of Albany Planning Board (the "Planning Board"), acting as SEQRA lead agency, issued a Negative Declaration for a proposal by Albany Realty Partners, LLC to undertake a three-lot subdivision of lands located at 64-66 Colvin Avenue & 944 Central Avenue in Albany, New York (the "Property") for the purpose of future redevelopment of the three lots with a +/- 159,281 square foot self-storage facility ("Lot 1"), an affordable housing development in a building totaling +/-119,307 of gross floor area ("Lot 2"), and a +/- 5,200 square foot quick service restaurant with associated drive through lanes ("Lot 3") (collectively, the "Proposed Action"). The subdivision was subsequently approved by the Planning Board and the plat was recorded in the Albany County Clerk's Office on August 16, 2023. Six area variances are requested for the following: 1. To allow for 4 wall signs, where the maximum permitted is 1 per street frontage, 2. 58.85 SF wall sign, where the maximum permitted is 32 SF (SW elevation), 3. 58.85 SF wall sign, where the maximum permitted is 32 SF (SE elevation) 4. 58.85 SF wall sign, where the maximum permitted is 32 SF (NE elevation), 5. 35 SF wall sign, where the maximum permitted is 32 SF 6. To allow for a 20 foot tall freestanding sign, where the maximum permitted is 8 feet tall.

Staff Opinion:

Modify local approval to include

1. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway should be required.
2. Review by the Albany County Department of Health for food service and other required permits.

Advisory Note:

1. The applicant seeks multiple area variances for signage. The City Zoning Board of Appeals should consider the precedent setting nature of allowing significant area variances to the sign code in the Mixed Used Community Urban (MU-CU) zoning district.

Beth Lacey made a motion to accept the Staff Opinion for Case #01-2311040377. The motion was seconded by Jeff LaFontaine and was unanimously approved by the Board.

Case #:**04-2311040382****Project Name:****Main Brothers Oil Company Inc.****Applicant:**

Envirospec Engineering PLLC.

Project Location:

18 River Road, Glenmont

Municipality:

Town of Bethlehem

Parcel Size:

3.60 acres

Zoning:

Heavy Industrial

Tax Map Number:

87.03-2-38.2

Referring Agency:

Town of Bethlehem Planning Board

Considerations:

Site plan review and special use permit for the proposed 30,000 gallon propane storage tank and construction of concrete bollards surrounding the tank.

Action Type:**Site Plan review, Special Use Permit****Juris. Determinant:**

State Road, Municipal Boundary

Potential Impacts:

144 River Road, 32 Corning Hill Road, FEMA Floodzones, Intermunicipal Boundaries of Town of Bethlehem and City of Albany

Staff Notes:

The installation of a 30,000-gallon propane storage tank and appurtenances is proposed, including the construction of concrete bollards to surround the storage tank. The property is zoned as I (Heavy Industrial) and the Applicant has received an Area Variance for the front setback. The project site serves the community as a 24-hour fueling station with one story building and is unmanned. There is currently no designated parking, but one (1) new parking space is proposed and shown on the site plans. No structures other than the proposed propane tank and appurtenances will be installed. No new signage is proposed.

Staff Opinion: Modify local approval to include
1. Notification of the application should be sent to the City of Albany, including all required notices pursuant to GML §239-nn.

Advisory Note: 1. Albany County Planning Board advises compliance with Occupational Safety and Health Administration (OSHA) regulations to ensure safe working conditions due to the proposed 30,000 gallon propane storage tank.

Beth Lacey made a motion to accept the Staff Opinion for Case #04-2311040382. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 04-2311040379

Project Name: 333 Café

Applicant: Peter Tryon

Project Location: 333 Delaware Avenue, Delmar

Municipality: Town of Bethlehem

Parcel Size: 1.57 acres

Zoning: Hamlet

Tax Map Number: 76.53-2-26

Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review for the proposed outdoor concrete patio and addition of second floor deck to the existing building for a new restaurant.

Action Type: Site Plan review

Juris. Determinant: State Road

Potential Impacts: 443 Delaware Avenue

Staff Notes: This is an application to construct a concrete patio and second story deck for outdoor dining. A retaining wall will be constructed along the easterly line of the parking lot to allow for landscaping. It is proposed to develop the front vacant space of the building and one of the apartments into a two-story restaurant with outside dining. The parcel is owned by 333 Delaware LLC and is occupied by a two-story mixed-use building and a 2 ½story wood framed multi family structure. The main structure is occupied by the following uses: Vacant – 1,800 s.f. (7.2 spaces req.), Gym exercise facility – 3,500 s.f. (12 spaces req.), Physical Therapist – 1,250 s.f. (5 spaces req.), Jiu Jitsu – 2,000 s.f. (8 spaces req.), and Bicycle Shop – 4,000 s.f. (16 spaces req.). The proposed restaurant will have two bars and approximately 105 seats including the proposed outdoor dining. It

is proposed to construct a 24'x30' concrete patio and 14'x25.5' second story deck near the front of the building. The patio and deck will be used for outdoor dining for a new restaurant to be located in the front of the mixed-use building. The total parking required under the existing uses are 62 spaces. There are 78 off street parking spaces on the parcel. Less than one acre of land is anticipated to be disturbed during the proposed action as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Modify local approval to include
1. Review by the Albany County Department of Health for food service and other required permits should be required.

Travon Jackson made a motion to accept the Staff Opinion for Case #04-2311040379.
The motion was seconded by Beth Lacey and was unanimously approved by the Board.

Case #: 05-2311040387
Project Name: **VanApeldoorn Subdivision**

Applicant: Arthur J VanApeldoorn
Project Location: 482 Blodgett Road
Municipality: Town of Coeymans
Parcel Size: 58.20 acres
Zoning: Residential Agricultural (R/A)
Tax Map Number: 142.-1-39.1
Referring Agency: Town of Coeymans Planning Board

Considerations: Two lot subdivision of the parcel into Lot 1 with 19.4 acres and Lot 2 with 38.8 acres.

Action Type: **Subdivision Review**

Juris. Determinant: County Road
Potential Impacts: CR 103 Blodgett Hill Road, NWI Wetlands

Staff Notes: An application to subdivide the parcel into Lot 1 consisting 19.4 acres and Lot 2 consisting 38.8 acres. The property is currently vacant and the proposes two parcels are to be sold to the son and daughter of the applicant. No land disturbance is anticipated during the subdivision. A 20' wide right-of-way and all purpose utility easement is proposed as showed on the site plan.

Staff Opinion: Modify local approval to include

1. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties, due to the proposed 20' wide right-of-way and all purpose utility easement.

Advisory Note:

1. The Town should ensure that local fire department is notified to review and comment on emergency access to the proposed Lot 1 and 2.

Travon Jackson made a motion to accept the Staff Opinion for Case #**05-2311040387**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: **07-2311040394**
Project Name: **Lands of Stewart's Shop Central**

Applicant: Stewarts Shops C/O Chris Potter
Project Location: 1273-1275 Central Avenue, 2 Grounds Pl
Municipality: Town of Colonie
Parcel Size: 3.32 acres
Zoning: Neighborhood Commercial Office Residential (NCOR)
Tax Map Number: 42.18-5-4, 42.18-5-2
Referring Agency: Town of Colonie Planning Board

Considerations: Subdivision of 1275 Central Ave into two parcels, one to be known as 1273 Central Avenue with 1.234 acres. Parcel on 1275 Central Avenue to be combined with the parcel on 2 Grounds Place with a total of 2.223 acres.

Action Type: **Subdivision Review**

Juris. Determinant: State Road
Potential Impacts: 5 Central Avenue

Staff Notes: Stewart's is acquiring the parcel at 2 Grounds Place and portion of 1275 Central avenue and are proposed to be combined into one lot with 2.223 acres. Parcel on 1275 Central Avenue is to be subdivided into two lots where one is to be called 1273 Central Avenue with 1.234 acres which consists of existing one story building. Upon receiving the necessary approvals, the applicant will construct a new convenience store that is approximately 3,975 SF with self service gasoline canopy. The project narrative indicates that several waivers are being requested including

the following, 20' setback to Central Avenue; Placement of fuel canopy and parking in the front yard; Landscaping and Pavement within 10' of side yard property line. The Town Board has not acted on any waivers at this time, typically that is handled during the final approval stage of the application if it gets to that point. A total of 1.8 acres of land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF). This application (07-230504222) was previously reviewed by the Albany County Planning Board in May 2023 and the determination was, 'Modify local approval to include

1. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway.
2. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations and that the underground storage tank (UST) systems meet both state (6 NYCRR Part 613) and federal (40 CFR 280) regulations.
3. Review by the Albany County Department of Health for food service and other required permits should be required.

Staff Opinion:

Modify local approval to include

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.

Brian Crawford made a motion to accept the Staff Opinion for Case #**07-2311040394**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: **07-2311040390**
Project Name: **Porsche Latham**

Applicant: Country Realty Co.
Project Location: 784 Troy Schenectady Road
Municipality: Town of Colonie
Parcel Size: 3.04 acres
Zoning: Commercial Office Residential (COR)

Tax Map Number:	18.2-6-58.2
Referring Agency:	Town of Colonie Planning Board
Considerations:	Site plan review for the construction of 25,320 SF two-story Porsche automotive dealership for retail sales and service of Porsche brand vehicles and luxury pre-owned vehicles.
Action Type:	Site Plan Review
Juris. Determinant:	State Road
Potential Impacts:	7 Troy Schenectady Road
Staff Notes:	This proposal is for Porsche dealership offering sales and service. Both new and pre-owned vehicles will be offered for retail sales and a full range of maintenance and repair services will be available (excluding bodywork). There will be 13 service stalls, including detailing. The Porsche facility will be a two-story structure with a minimum height of approximately 34'. Overall gross square footage will be approximately 25,320 SF. The building will feature an enclosed two-lane service greeting/write-up space. Overall parking capacity will be 122 spaces on pavement including 13 spaces for showroom, 39 spaces for work stalls and 25 spaces for employees. The remaining 45 proposed spaces will be allocated for inventory display purposes. The development utilizes the existing curb-cut off along NYSUT Drive. A second curb-cut is proposed for along Jacqueline Avenue. It should be noted that the New Country does not propose to receive car carriers at this location. It is estimated that the dealership will generate 67 trips during the peak adjacent PM hour. Currently, several on-site catch basins connect to the municipal storm system within the adjacent street (Jacqueline Ave) with no other on-site stormwater management provisions other than sheet run-off onto lawn areas. The municipal storm sewerage discharges to a drainage easement off the end of the nearby Jacqueline Ave cul-de-sac. The applicant also requests waivers for building setback, parking within the front yard and fencing along the parcels frontage. The parcel currently occupies a Cool Insuring Agency office building (now vacant), a single-story building approximately 24,990 SF in gross floor area. A total of 2.85 acres of land is anticipated to be disturbed as per the Full Environmental Assessment Form (FEAF). A letter from the Office of Parks, Recreation and Historic Preservation (OPRHP) states that no properties, including archaeological and/or historic resources will be impacted by this project.
Staff Opinion:	Modify local approval to include 1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or

submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.

Advisory Note:

1. The Town should ensure that a demolition review is provided by the applicant to ensure no hazardous materials are present on site.

Brian Crawford asked that a demolition note be added as an advisory (noted above as Advisory Note #1).

Brian Crawford made a motion to accept the Staff Opinion for Case #**07-2311040390**. The motion was seconded by Beth Lacey and was unanimously approved by the Board.

After ensuring that quorum would not be effected, Jeff LaFontaine left the ACPB meeting after this vote at 5:15pm (to attend another unrelated meeting).

Case #: **10-2311040393**
Project Name: **Schoolhouse Luxury Townhomes**

Applicant: David Catalfamo
Project Location: 61-65 Schoolhouse Road
Municipality: Town of Guilderland
Parcel Size: 0.76 acres
Zoning: Multiple Residence District
Tax Map Number: 52.19-4-39
Referring Agency: Town of Guilderland

Considerations: Site plan review for the proposed construction of 4 buildings with 2 units in each building. Dexter Lane (private) will be extended and create a 2nd entrance to Schoolhouse Road.

Action Type: **Site Plan Review**

Juris. Determinant: County Road, State Road
Potential Impacts: CR 204 Schoolhouse Road, I-87 N

Staff Notes: The proposal is to construct four duplex townhouse rental dwellings. This will include the demolition of the existing buildings at 61, 63 and 65 Schoolhouse Road. This land will be combined with the land of schoolhouse luxury townhomes. The current road will be extended and connected to Schoolhouse Road. Less than one acre (0.70 acres) of land

is anticipated to be disturbed during the proposed action as per the Short Environmental Assessment Form (SEAF).

Staff Opinion:

Modify local approval to include

1. A highway work permit from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county right of way is required.
2. The Town should ensure that a notice of intent is filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 29, 2020) is required for construction activities that disturb more than one acre of land.

Advisory Note:

1. The Town should ensure that a demolition review is provided by the applicant to ensure no hazardous materials are present on site.
2. The Albany County Planning Board advises that a review by the local fire department should be required to evaluate for public safety, emergency services access, water availability and any sprinkler system.

The Board requested that the recommendation for a SWPPP be moved from an Advisory Note to a modification (noted above as Modification #2). In addition advisory notes were added to add a demolition review and a fire dept. review (noted above as Advisory Note #1 & 2).

Travon Jackson made a motion to accept the Staff Opinion for Case # 10-2311040393. The motion was seconded by Beth Lacey and was also approved by Brian Crawford and Gerry Engstrom.

Case #:	<u>18-2311040384</u>
Project Name:	Pecylak Minor Subdivision
Applicant:	Richard Scott & Lorraine Pecylak
Project Location:	646 Cty Rte 405
Municipality:	Town of Westerlo
Parcel Size:	39.00 acres
Zoning:	Rural Development/Agricultural
Tax Map Number:	162.-2-12
Referring Agency:	Town of Westerlo Planning Board

Considerations: Two lot minor subdivision of the parcel into Lot 1 with 3 acres and Lot 2 with 36 acres.

Action Type: **Subdivision Review**

Juris. Determinant: County Road
Potential Impacts: County Route 405

Staff Notes: A minor subdivision of the existing 39 acres into two lots is proposed. Lot 1 is to be 3 acres and Lot 3 is to be 36 acres consisting the existing dwelling. A 20' easement and right-of-way is proposed along the east boundary of the proposed Lot 1.

Staff Opinion: Modify local approval to include
1. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties, due to the proposed 20' easement and right-of-way.
2. A highway work permit from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county right of way is required.

Brian Crawford made a motion to accept the Staff Opinion for Case # **18-2311040384.** The motion was seconded by Travon Jackson and was also approved by Beth Lacey and Gerry Engstrom.

That concluded the municipality referral review submissions for December.

Old Business: None

New Business:

1. The next meeting of the Albany County Planning Board will be January 18, 2024 and the deadline for submission of referrals for review is on Monday, January 8, 2024.
2. An error was made on the list of 2024 meeting dates that was provided to the Board at the last meeting. That mistake has been corrected and the list that was sent to the Board and posted to the Planning Board Webpage is now correct.

Adjourn: Travon Jackson made a motion to adjourn at 5:27pm.

ATTACHMENT A



December 11, 2023

Via the email to townclerk@coeymans.org

Mr. Robert Nolan, Chairman
Planning Board/Zoning Board of Appeals
Town of Coeymans
18 Russell Avenue
Ravena, NY 12143

Re: Riverkeeper Comments on Carver Companies applications for Site Plan Review and Area Variance on the property owned by Ten Eyck Powell III and Atlantic Cement Co Inc. Property located at 87 Bronk Road and 1916 US Route 9W

Dear Mr. Nolan:

Thank you for this opportunity to comment on the Carver Companies applications for Site Plan Review and Area Variance on the properties located at 87 Bronk Road and 1916 US Route 9W. On behalf of Riverkeeper, Inc., I respectfully offer the following testimony urging the joint Coeymans Planning Board/Zoning Board to fulfill all procedural requirements in reviewing these applications and to take a hard look at the zoning of the proposed sites. Riverkeeper is a non-profit dedicated to protecting and restoring the Hudson River from source to sea and safeguarding drinking water supplies, through advocacy rooted in community partnerships, science and law.

This proposal has a potential for significant environmental impact and must undergo an Environmental Impact Statement (EIS). Riverkeeper calls on this Board to ensure the proper review is carried out if they assume the role of lead agency. As recognized in the November 22 Board meeting, the proposal is a Type I action that is subject to SEQR (State Environmental Quality Review). As such, notice of complete application must be conditioned upon acceptance of a draft EIS or negative declaration. There must be a public hearing following the notice of complete application in accordance with Town of Coeymans code.

Moreover, the proposed project is a part of the larger Off-Shore Wind Port development. This is mentioned in prior presentations and application materials; and appears to be contemplated by the applicant as early as 2018 when it indicated intentions to acquire more land. The proposal under review today and the larger Off-Shore Wind Port development are inexplicably related and aimed towards a common purpose. Under SEQR, the individualized review of these applications without full consideration of its impacts in combination with the larger off-shore wind development may be impermissible segmentation of project. Both individually and in the context



of the larger development, the instant proposal has a potential for significant environmental impact; including, but are not limited to, water impacts from increased impermeable surfaces and wetland filling, traffic impacts, and aesthetic impacts. Thus, the lead agency must ensure an EIS be prepared before these applications may be considered complete.

Riverkeeper looks forward to reviewing and offering additional substantive comments when the complete application is available. However, based on the preliminary information available at this time, Riverkeeper notes that application may not support the proposed transportation terminal accessory use for blade storage. As stated in the Coeymans Code § 165-3, an accessory use must be "building or other structure customary to the principal use but incidental to, subordinate to, and located on the same lot as the principal use." From the presentation on Nov. 22, it appears that the majority of the blade storage and a single homestead is located on lot zoned Residential/Agricultural. It does not appear that this accessory use supports a permitted zoned principal use, as blade storage cannot be considered a customary use nor "incidental or subordinate" to a single homestead. We urge this Board to take a hard look at all zoning requirements applicable to this project.

In conclusion, we strongly urge this Board to ensure the instant applications meet all procedural and zoning requirements under the state and local law during its review.

Thank you for your commitment and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Victoria Leung', with a stylized, cursive script.

Victoria Leung
Staff Attorney
Riverkeeper, Inc.



December 11, 2023

Town of Coeymans
Planning Board/Zoning Board of Appeals
18 Russell Avenue
Ravena, New York 12143

RE: Hudson River Sloop Clearwater requests the Coeymans Planning Board/Zoning Board of Appeals deny Application 23-002SPR in adherence to the current Residential Zoning of the Powell parcel 156.-3-1.1 and with the 2017 Settlement Agreement

To Whom It May Concern:

I am writing on behalf of the Hudson River Sloop Clearwater to express concerns regarding Application 23-002SPR for a Site Plan Review on the property owned by Ten Eyck Powell III and Atlantic Cement Co Inc. Property located at 87 Bronk Road and 1916 US Route 9W, Tax Map #'s 156.-3-1.1 and 156.-2-1.11.

Clearwater is a member-supported organization working to preserve and protect the Hudson River, its tributaries, and related bodies of water. For over five decades, Clearwater has worked to advocate for the Hudson River, educate the next generation of environmental stewards, provide river-based education programs to hundreds of thousands of students over 50 years, and foster an informed, and engaged public that celebrates and advocates for the Hudson River.

Over the years, Clearwater has observed a pattern of escalating industrialization of the Hudson River waterfront and Coeymans Creek shoreline in the Town of Coeymans. The ongoing industrialization has involved concerning approvals of Zoning Variances, as well as violations of permits including of stormwater, unauthorized acceptance of C&D waste, and illegal salt piles. In 2014, Clearwater was party to an Article 78 Lawsuit regarding Local Law #4 of the Year 2014 which changed the zoning classification of nine parcels. The case was settled in 2017, and a 15-point agreement was signed on December 19, 2017.

In reviewing Application 23-002SPR, Clearwater is concerned the proposal does not meet the agreed to terms of the 2017 agreement, specifically numbers 9 and 11 which require the establishment of a 100-foot visual buffer, and a full site plan review including environmental assessment:

9. The Town will take reasonable and appropriate action within the limits of its authority and in accordance with applicable law, and consistent with the Town's Comprehensive Plan, to establish

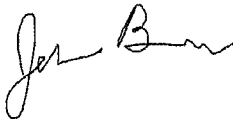
a natural vegetative visual buffer of 100 feet on other lands zoned industrial along Route 144 extending from the Hamlet to and including lands currently owned by Holcim/Lafarge.

11. The Town will take reasonable and appropriate action within the limits of its authority and in accordance with applicable law, and consistent with the Town's Comprehensive Plan, to adopt legislation requiring that all development of lands in the Town that are zoned industrial be subject to full site plan review which will include appropriate environmental assessment (including the impact on soil, water, and air resources, and traffic) and an assessment of long-range plans for industrial development within lands in the Town which are zoned industrial.

The application and site plan description does not include the establishment of required buffer zones, nor to our knowledge, has a full environmental assessment, including the required study of the proposal's impact on soil, water, and air resources, and traffic has been conducted.

Hudson River Sloop Clearwater requests the Coeymans Planning Board/Zoning Board of Appeals deny Application 23-002SPR in adherence to the current Residential Zoning of the Powell parcel 156.-3-1.1 and with the 2017 Settlement Agreement.

Sincerely,

A handwritten signature in black ink, appearing to read "Jen Benson". The signature is fluid and cursive, with the first name "Jen" and last name "Benson" clearly distinguishable.

Jen Benson
Environmental Action Director
Hudson River Sloop Clearwater
724 Wolcott Avenue
Beacon, NY 12508



infor@cleanairalbanycounty.org
www.cleanairalbanycounty.org

COEYMANS PLANNING/ZONING BOARD PUBLIC HEARING

11 December 2023, Coeymans Town Hall, Ravena, NY 12143

Re Carver Companies proposal to build wind blade manufacturing on residential land

FLAWS IN THE PUBLIC HEARING PROCESS

There are several serious flaws in this process:

1. The Public Hearing should not be held until a full environmental impact assessment has been completed. However, there was no EIS or SEQR presented to the public.
2. Carver Companies workers were allowed to take seats by 6pm, so no one else could get it. They filled the capacity of the hall. The general public were not told to be there an hour ahead of time so the public was kept out of the meeting.
3. Police were at the door, controlling who is allowed into the meeting and who not. Carver speakers were allowed in, others were not.
4. There was great confusions about sign in lists for people attending and wanting to speak. Some sheets were titled "Carver", others were titled "Public", but it was not clear why they were different.
5. After Chairman Nolan opened the Public Comment Period he gave the floor to Carver Companies who gave a 143-minute presentation from Carver Companies contractors, advisors, employees, and authors of various studies (e.g. traffic). It was less a presentation than a propaganda exercise. Chairman Nolan then said he was opening up the public comment period, having already opened it earlier.
6. There were no time limits on Carver Company presentations and some Carver Company speakers went back multiple times to address various sections of their lengthy slide show.
7. 18 speakers from the public were eventually admitted and spoke, but were not allowed to speak longer than 3 minutes each.
8. At least 10 people, residents and neighbours who would be affected by this proposal, were not admitted and wrote to me about it.

9. It should be noted that Chairman Rob Nolan is the owner of Nolan Propane and does a lot of business with Carver Companies. Mr Nolan, as chair, never asked the Carver employees to make room for others, or arranged for a larger venue despite knowing this was an important public hearing that would attract a lot of people. Mr Nolan has a history of not recusing himself in cases where his businesses are affected by the Planning/Zoning Board's decisions. (See the Marebo/Long Energy decision.)



Tuesday, December 19, 2023

Mr. Robert Nolan, Chairman
Planning Board/Zoning Board of Appeals
Town of Coeymans
18 Russell Avenue
Ravena, NY 12143

Sent via email to:

*Candace McHugh, townclerk@coeymans.org
Jason Chmielewski, jchmielewski@coeymans.org
Jenny M. Lippman, jlippmann@mjels.com*

RE: Clean Air Coalition of Greater Ravena-Coeymans Request for Lead Agency, Positive Declaration, and 90-day comment period on scoping for GE / LM Wind Proposal as submitted by Carver Companies

Dear Chairman Nolan and members of the Town of Coeymans Planning Board/Zoning Board of Appeals:

The Clean Air Coalition of Greater Ravena-Coeymans (CAC) is writing in regard to the "GE / LM Wind" proposal submitted by the applicant Carver Companies. As a Type 1 Action requiring coordinated review, we have several concerns about the Lead Agency process. We also request a Positive Declaration of Significance

(“Pos Dec”) under the State Environmental Quality Review Act (“SEQR”) and a 90-day comment period for scoping.

The Clean Air Coalition of Coeymans and Greater Ravena (CAC) is a community group with a mission to address the environmental and public health concerns of waste management, incineration, tire burning, and port expansion in the Town of Coeymans, New York. We are concerned about the impact that all this will have on the Capital District and the Hudson River, specifically on the Greater Ravena-Coeymans area. The CAC aims to build a stronger community able to create a cleaner and more equitable future for the environment, the river, and the people who live here.

First, the “Project Location” is described as being located on Bronk Road and NYS Route 144 in the Town of Coeymans. The “Proposed Action” is described as “GM/LM Wind Blade Manufacturing Facility is an 80+/- acre campus to support the manufacturing and transportation of OSW blades for use in the development of green energy projects in New York State. The facility includes approximately 515,000 SF of manufacturing buildings for the 400 FT long wind blades. Additional structures include office space for employees and 392 parking spaces. The portion of the campus area located within the R1 zone, approximately half of the 80 acres, will be used for an outdoor blade storage yard. Tax map ID #s 156.-1-1.11, 156.-3-1-1, and 156.-4-8.1 reference the project site.”

Lead Agency

The purpose of the Lead Agency is to “coordinate the SEQR process from start to finish so that when an action is to be carried out, funded or approved by two or more agencies, a single integrated environmental review is conducted.” The Lead Agency is also “responsible for making key SEQR determinations during the review process.”

In 617.6 (B) (2) For Type I actions, a “full Environmental Assessment Form (“EAF”) must be used to determine the significance of such actions. The project sponsor **must complete Part 1 of the full EAF, including a list of all other**

involved agencies that the project sponsor has been able to identify, exercising all due diligence.”

Upon reviewing the applicant’s Environmental Assessment Form (EAF) as a record before the Town of Coeymans Planning Board/Zoning Board of Appeals, we noticed that at least the Village of Ravena is missing from Section B “Government Approvals” in the applicant’s EAF.

This is significant, as on page five (5) of the EAF, the Village of Ravena is identified as providing 10,000 GPD of drinking water and infrastructure to deliver drinking water to the site: “4500 LF of new 8” water main along route 144 (River Road) north towards the project site. Project will be served as an out of district user”. The Village of Ravena will also receive “10,000 GPD of sanitary wastewater generated by employees”. **The Village of Ravena should have been identified in Government Approvals in the EAF in order to be included as an “Involved Agency”**

For a Type 1 Action and Coordinated Review (Section 617.6 (b) (3) (i) (ii), “When an agency proposed to directly undertake, fund or approve a Type 1 action...**with other involved agencies**, it must, as soon as possible, transmit Part 1 of the EAF completed by the project sponsor or a draft Environmental Impact Statement (“EIS”) and a copy of any application it has received within 30 calendar days of the date the EAF or draft EIS was transmitted to them.”

If the Village of Ravena is not listed in Government Approvals, and therefore, not acknowledged as an “Involved Agency”, then Ravena may not have received a communication from the Town of Coeymans Planning Board/Zoning Board of Appeals about their intent to become Lead Agency, leaving the Village at risk to miss the 30-day window to participate.

Furthermore, as this is likely one of the largest projects ever proposed in the Town of Coeymans, and, as the NYS Department of Environmental Conservation (“NYSDEC”) is an Involved Agency in SEQR, we request that the NYSDEC, and not the Town of Coeymans Planning Board/Zoning Board of appeals, take on the role of Lead Agency for this complicated project.

Positive Declaration and 90-Day Public Scoping Process

Because of the size, scope and scale of this proposal, there is the potential for significant environmental impacts and in SEQR, **all that is required is ONE POTENTIAL significant adverse environmental impact to trigger a Positive Declaration (“Pos Dec”) and EIS.** As required by New York Codes, Rules and Regulations (NYCRR) (617.7 (a)) and based on our non-exhaustive list from the applicant’s full EAF, the Lead Agency should issue a Pos Dec and the preparation of an EIS for this project:

617.7 (c) (1) and (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.”

- The project is sited over or immediately adjoining to a principal aquifer;
- The project will create a demand for 10,000 GPD of drinking water from the neighboring town of the Village of Ravena, requiring water mains to be built along Route 144 north towards the project site;
- The project will generate 10,000 GPD of liquid sanitary waste managed by a line extension to the Village of Ravena;
- The project will disturb more than one acre of runoff, with “stormwater runoff to new outfalls along the Hudson River”. Stormwater runoff flow will flow to adjacent properties;
- The project includes one or more sources of air emissions;
- The hours of operation during construction is 6a - 6p, and during operations: 24 hours a day;
- An increase of noise levels will occur during construction;
- There will be outdoor lighting that may contribute to light pollution;
- Traffic for all routes related to this project should be studied comprehensively;
- The project is located in a 100 and 500-year floodplain.

617.7 (c) (1) (vi) *“A major change in the use of either the quantity or type of energy”*

- There will be a new demand for energy, requiring a new or upgrade to an existing substation.

617.7 (c) and (1) (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 endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources”*

- There are federal wetlands on-site and Class C streams and lakes/ponds with waterbodies that NYS has deemed water quality impaired for pollutants into the Hudson River and priority organics - fish consumption;
- The predominant wildlife species that occupy or use the project site are white-tailed deer and Canada goose. The project site contains a designated natural community with a floodplain forest, freshwater tidal marsh and freshwater intertidal mudflats. Endangered species on-site include shortnose sturgeon, Bald Eagle, Davis’ Sedge and American Waterwort.

617.7 (c) (1) (v): *“The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character”*

- The project is located in a sensitive archaeological site;
- This project is within five miles of designated scenic or aesthetic resources Schodack Island State Park for its state protected wetlands, bird sanctuary and recreational park is located 0.25 miles from the site.

617.7 (c) (1) (vii) *“The creation of a hazard to human health.”*

- The project will have 6600 gallons of Epoxy Resin onsite.

617.7 (c) (1) (xi). *“Changes in 2 or more elements of the environment”(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. ”

- **On January 23, 2023, the CAC with support from Riverkeeper, Scenic Hudson and Hudson River Sloop Clearwater requested that the Department of Environmental Conservation conduct a comprehensive cumulative impact analysis of Coeymans and associated industrial park.**

We urge Lead Agency, once identified, to recognize these impacts and issue a Pos Dec, require the preparation of an EIS, provide 90-days for the public to review and provide written comments on a draft Scope for the EIS, and hold a public scoping meeting to allow for greater public participation.

In conclusion, as this project has already elicited strong reactions from the community, a transparent and inclusive SEQR process is an opportunity to address important concerns in a comprehensive manner.

Thank you,

Diana Abadie, Carlo C.A. de Oliveira, Barbara Heinzen, Rebecca Martin, Christine Primomo, Sara Pruiksma, Ashley Redfield, Sonja Stark, Carol Waterman
Steering group of the Clean Air Coalition of Greater Ravena-Coeymans
reply to: info@cleanairalbanycounty.org

CC:

Tony Luisi, NYSDEC r4info@dec.ny.gov

Trish Gabriel, DEC Region 4 trish.gabriel@dec.ny.gov

Lisa Ramundo, Albany County DPW dpw@albanycounty.com

Gaetano Tedesco, NYS DOT Gaetano.tedesco@dot.ny.gov

Gopika Muddappa, Albany County Planning Board

gopika.muddappa@albanycountyny.gov

Jason Leonard, Village of Ravena Water Department ravenawater@hotmail.com

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Dan Shapley, Riverkeeper [WShapley@riverkeeper.org](mailto:wDShapley@riverkeeper.org)
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Stephen Ballentine, Scenic Hudson sballentine@scenichudson.org
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Robert McGehee, Holcim Robert.McGehee@holcim.com
Congressman Paul Tonko colleen.williams@mail.house.gov
Congressman Marc Molinaro caitlin.gilligandaly@mail.house.gov
Senator Michelle Hinchey markowit@nysenate.gov
Assemblymember Chris Tague taguec@nyassembly.gov
Zach Collins, Albany County Legislature ZCollins1189@gmail.com



**CITIZENS' KEY POINTS FOR PUBLIC HEARING
re: CARVER COMPANIES APPLICATION
FOR SITE PLAN REVIEW & AREA VARIANCE**

On property owned by Ten Eyck Powell III (156.-3-1.1) and Atlantic Cement Co (156-2.1.11)

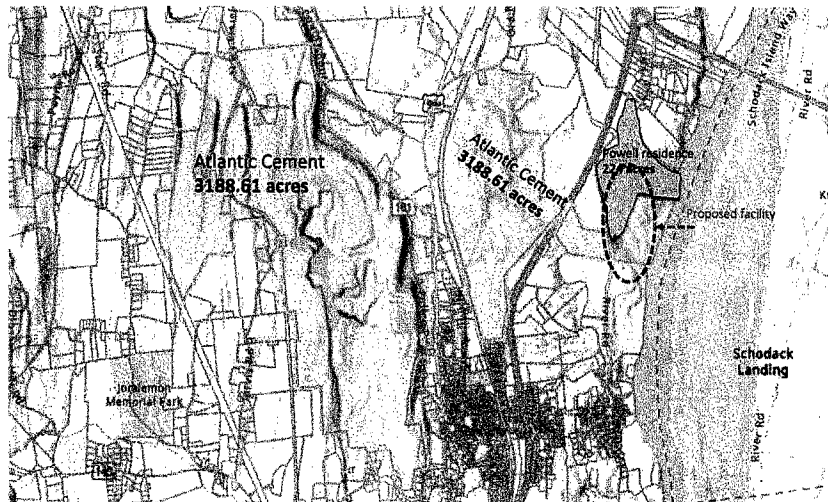
*Presented at Coeymans Planning/Zoning Board Public Hearing Dec 11, 2023, 7pm
Coeymans Town Hall, Russell St, Ravena, NY 12143*

Point 1: Site Plan Review needed for both Atlantic Cement & Powell property

According to NY Consolidated Laws, Town Law 274-a, a site plan shows the "arrangement, layout and design of the proposed use of a **single parcel of land** as shown on said plan" (emphasis added)

Carver Companies application is for **two** parcels – an industrial parcel of 3,188.61 acres owned by Atlantic Cement (now Holcim), and a residential parcel of 224 acres owned by Ten Eyck Powell III. However, this application does not have a site plan for either parcel. Carver Companies have only provided plans that show what they want to do on **certain portions** of these two separate parcels.

1 project on 2 parcels = 2 site plan approval applications



**"We've got multiple properties, multiple owners, and multiple zones ... & one facility
... how does all that work?"**

Stephanie Farrandino, to Coeymans Planning/Zoning Board, Nov. 22, 2023

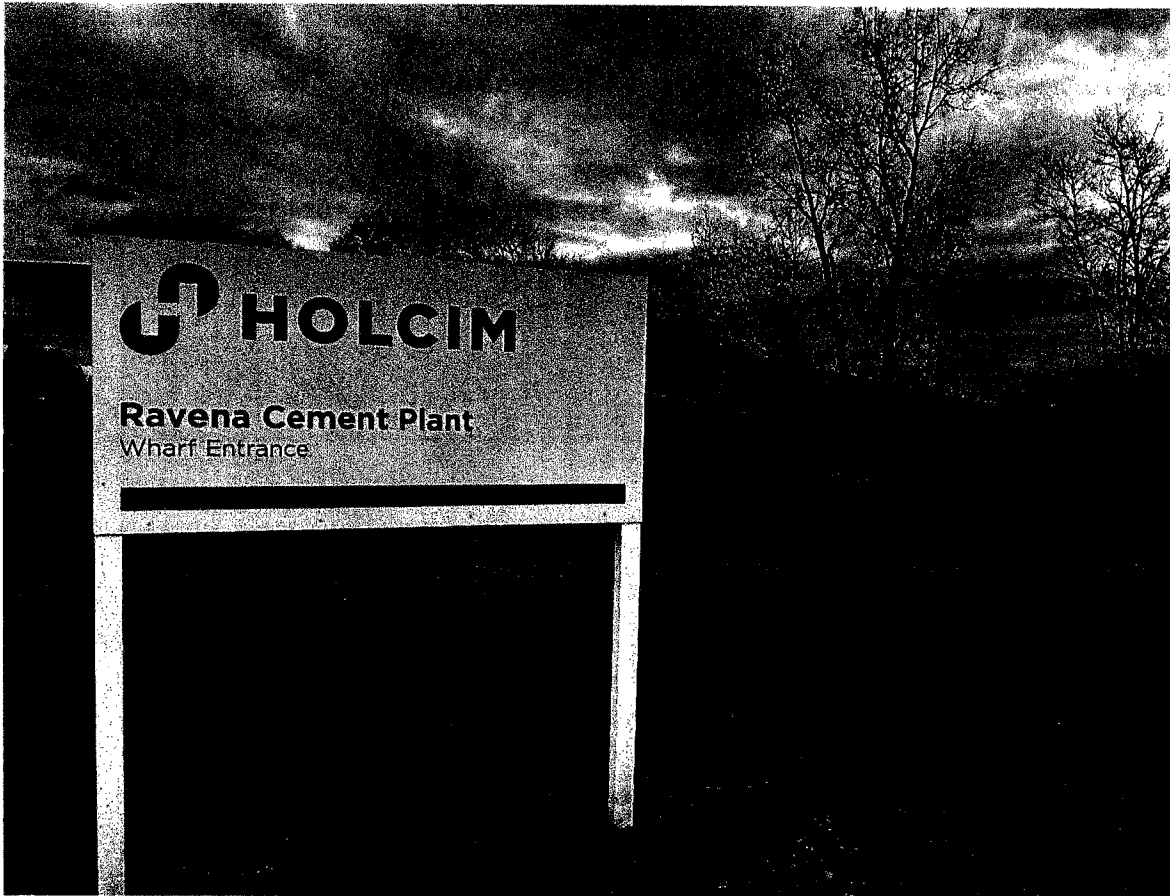
PARCEL MAP: https://experience.arcgis.com/experience/163f1611abc3415383d7f89393d4e2d5/page/MainMap?data_id=7180c438a01a4715fb0f9baabe66d7b-1883032d955-layer-4%3A54326

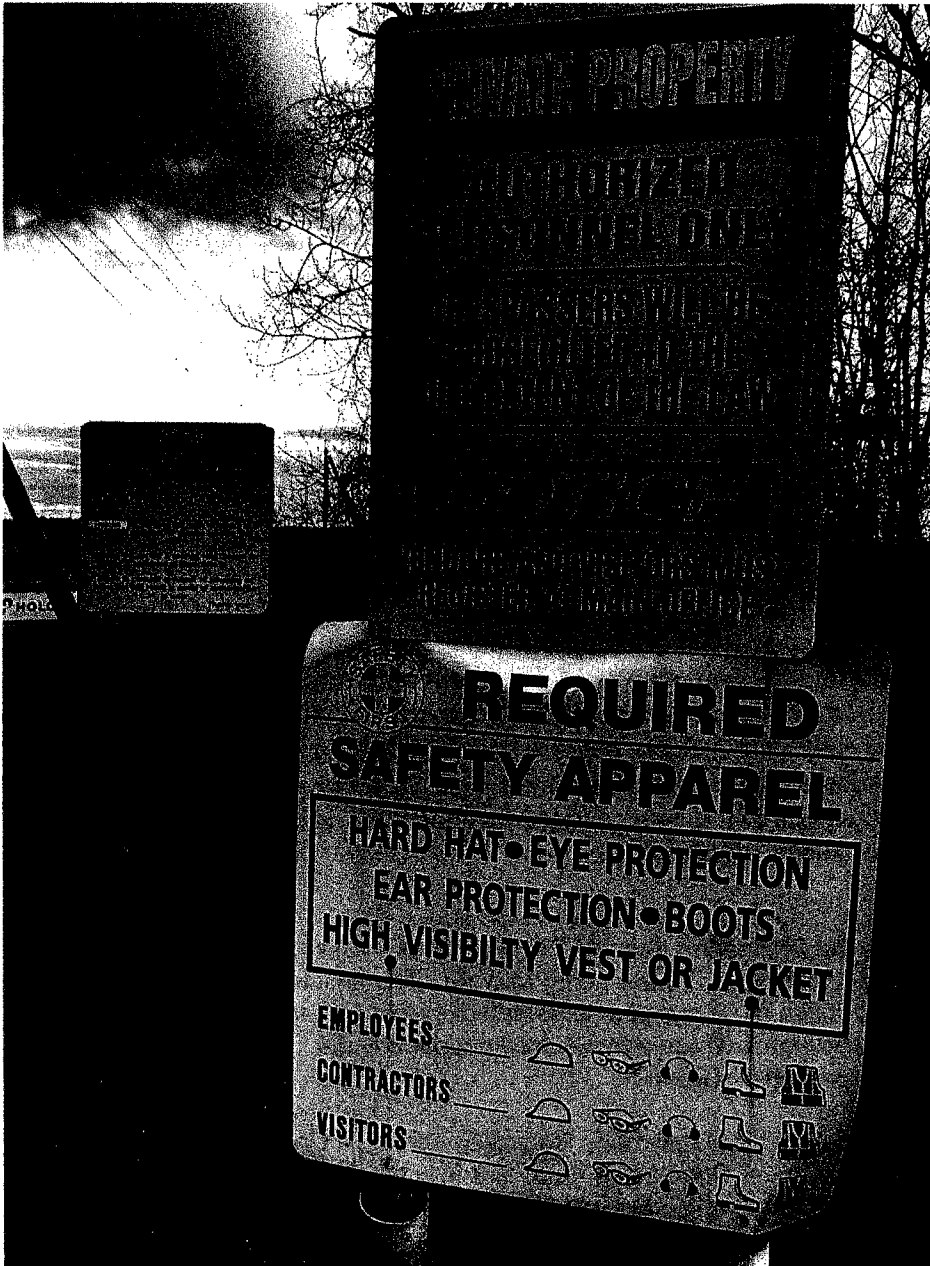
The Atlantic Cement/Holcim property is 3188.61 acres, but only the area near the Hudson and bordering the Powell property is shown in the application. This is the wharf portion of the Holcim parcel, but it cannot be separated from the rest of the extensive Holcim operations because the wharf portion is integral -- in fact critical -- to the Cement plant operation. From the wharf and across this portion of the parcel, Holcim feeds input materials, unloads materials and loads out the cement plant's production, connecting the plant to the Hudson River. It is all physically connected on the single 3,188.61 acre parcel that is the subject of Carver Companies' application.

Because this is a single parcel in every respect, as acknowledged by the Board's engineer in her letter dated November 22, 2023, Item 14, the law requires the applicant submit complete information on the Holcim property as a separate Site Plan. NYS Town Law and Coeymans Zoning Law require the Board to review the single parcel in its entirety. This is the plain meaning of the law and a very straightforward matter for the Board to recognize at the outset.

Point 1: The Carver Companies application for site plan review cannot proceed as there are no site plans to be reviewed – either for the Atlantic Cement/Holcim parcel or for the Powell parcel. The applicant has only submitted the drawing of a facility on two parcels. This is not a genuine site plan for either parcel, as required by law.

With respect to the Holcim parcel I submit to you for the record two photos of the Atlantic Cement / Holcim's signage on 144.





Point 1: Relevant documents for the record

- New York Consolidated Laws, Town Law – TWN, para 274-a, Site Plan Review
- Letter from Jenny Lippman, MJ Engineering, dated November 22, 2023.



Point 2: Stipulated Settlement of 2017 blocks the Carver Companies' applications from moving forward.

For the record, in 2017 the Town Board of the Town of Coeymans by Resolution of November 30, 2017, entered into a stipulation of settlement in connection with an Article 78 Proceeding brought against the Town. The settlement concerned zoning issues in the same part of Coeymans as the current Carver Companies application in this public hearing. It specifically requires a 'natural vegetative visual buffer of 100 feet' on lands zoned industrial, including the industrial zoned lands owned by Holcim/Lafarge, as quoted below.

The Town will take ~~all~~ reasonable and appropriate action within the limits of its authority and in accordance with applicable law, and consistent with the Town's Comprehensive Plan, to establish a natural vegetative visual buffer of 100 feet on other lands zoned industrial along Rt. 144 extending from the Hamlet to and including lands currently owned by Holcim/Lafarge.

The Town also stipulated to a provision, as follows:

The Town will take ~~all~~ reasonable and appropriate action within the limits of its authority and in accordance with applicable law, and consistent with the Town's Comprehensive Plan, to adopt legislation requiring that all development of lands in the Town that are zoned industrial be subject to full site plan review which will include appropriate environmental assessment (including the impact on soil, water and air resources, and traffic) and an assessment of long-range plans for industrial development within lands in the Town which are zoned industrial.

In the context of this Public Hearing, the 2017 stipulation is a legally binding settlement in which the Town affirms that it will follow the law going forward. The stipulation notes the various legal requirements that the Town must consider when it looks at any matter that come before the Town in this part of Coeymans where parcels are zoned industrial. It also obliges the Town to be mindful of its Comprehensive Plan.

It is important to emphasize that Coeymans Recycling Center, a Carver Company, was party to the settlement and that Carver Companies today are fully aware of this earlier Article 78 Proceeding and the Stipulation of Settlement. None of the issues and significant factual matters regarding the current applications, including the Town's Comprehensive Plan and the Industrial Buffer Zone that exists between the Atlantic Cement/Holcim parcel and the Powell parcel, are "surprises" to the Carver Companies.

Point 2: The applications submitted by Carver Companies for this Public Hearing completely ignore the established I-B buffer zones and other constraints highlighted in this Stipulation that block their applications from moving forward.

Point 2: Relevant documents for the record

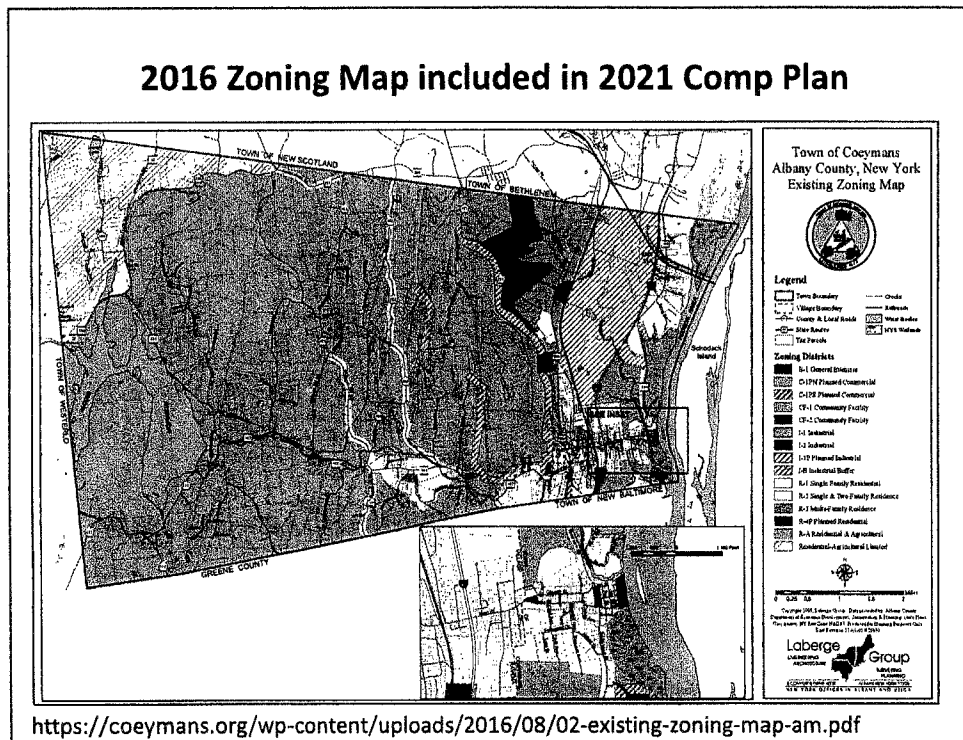
- Hudson River Sloop Clearwater, one of the petitioners, has submitted a copy of the Stipulated Settlement agreement, dated December 19, 2017.
- Copy of the portion of the meeting minutes of the Town Board's November 30, 2017 meeting that relates to the relevant stipulation of settlement by the Town



Point 3: The Town's Zoning laws require an industrial buffer between Powell and Holcim parcels remain in its natural state

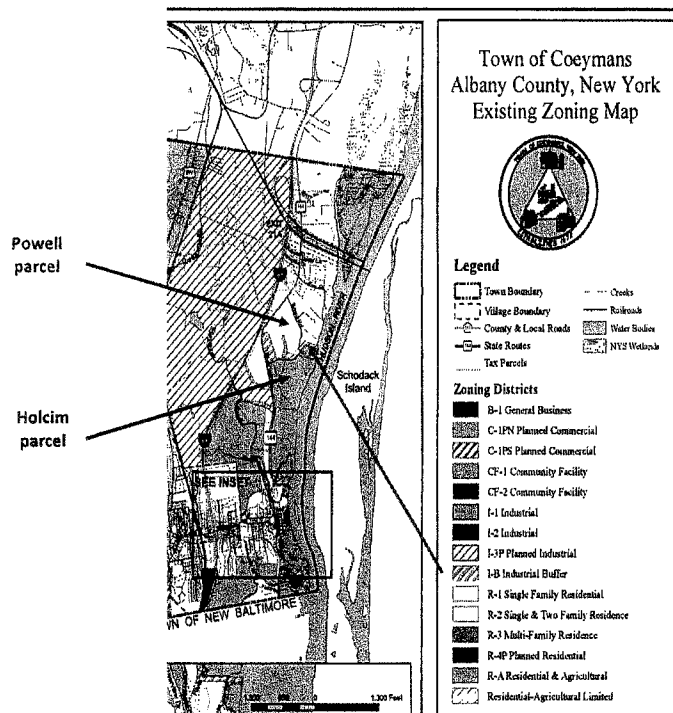
For the record in these applications and this Public Hearing, the Board must note that the Town's Zoning Law and the Zoning Regulations of Town require a buffer between the residential Powell parcel and the industrial parcel owned by Holcim. Therefore, the zoning laws do not allow for Carver Companies' proposed development on the Powell Parcel which eliminates the Power/Holcim buffer zone.

A copy of the Town's Zoning map is posted on the Town's website and appears below.



The zoning map shows the "I-B Industrial Buffer" Zone that exists between the Holcim and Powell parcels. The I-B zone requirements as provided by Town Code Section 165-3 "Definition of a Buffer, Industrial" is very clear. An industrial buffer zone is: "Those areas of land set aside to remain in their natural state."

Industrial buffer required between Powell & Holcim parcels



<https://coeymans.org/wp-content/uploads/2016/08/02-existing-zoning-map-am.pdf>

Point 3: Carver Companies application cannot be approved as it would destroy the Industrial Buffer zone between a residential and industrial parcel.

Point 3: Relevant documents for the record

- Town of Coeymans Zoning Map.
- Town Code paragraph 165-3 Definitions of a Buffer, Industrial



Point 4: The proposed Accessory Use of the Powell parcel is not permitted by Coeymans Zoning code.

As noted in the Carver Companies applications, and the Existing Zoning Map, the 224-acre Powell parcel is zoned R-1 Single Family Residential. The applicant notes that the Schedule of Zoning District Regulations provides that "Whenever there is no water nor sewer currently available, [that] changes [the] area to R-A Residential and Agricultural, with all of its current restrictions." The applicant attempts to suggest that because the R-A zone provides an accessory use for "Farm produce warehouse, barn and transportation terminal," it also allows for the development of a wind power blade laydown area of approximately 40 acres as an 'accessory use' as a transportation terminal.

However, the Carver Companies' interpretation of "transportation terminal" is contrary to any common sense reading of the Zoning Codes' description of accessory use. In a Residential-Agricultural (R-A) zone the transportation terminal is related to the agricultural nature of the zone itself. The code's description of accessory use in R-A as a "Farm produce warehouse, barn and transportation terminal" must be read as a connected phrase. There is no accessory use that is independent of farm produce given the agricultural nature of the R-A zone.

More importantly, the accessory use must be in relation to the principal use of the parcel as defined in Section 165.3.

"ACCESSORY USE"

"A term applied to a use, building or other structure customary to the principal use but incidental to, subordinate to, and located on the same lot as the principal use."

As already noted by Jenny Lippman, the Board's consulting engineer, in her Conceptual Site Plan Review letter dated November 22, 2023, p. 2, item 13, the principal use of the Powell parcel is residential. She then states that:

"The applicant shall further describe to the Board the accessory nature of the laydown area to the principal residential use."

Implicit in the Town's engineer's comments for consideration is the fact that the laydown area is not accessory to the residential use of the 224-acre Powell parcel. Instead, it is accessory to the proposed blade manufacturing on the neighboring Holcim industrial parcel and therefore cannot be allowed as an accessory use on the Powell parcel.

Point 4: The applicant Carver Companies' proposed accessory use of the Powell parcel as a laydown area for wind power blades is prohibited by the parcel's zoning and definition of "accessory use".

Point 4: Relevant documents for the record

- Town Zoning Code showing permitted Accessory Uses in R-A zone
- Town Code paragraph 165-3 Definition of Accessory Use
- Letter from Jenny Lippman, MJ Engineering, dated November 22, 2023.



Point 5: Application is incomplete as a site plan is required for Port of Coeymans parcel

As described in the applicant's proposed plan (Ingalls, Project Narrative, November 6, 2023), the development involves portions of the Atlantic Cement/Holcim and Powell parcels:

"... the proposed development has been designed to keep all blade fabrication within the I-1 Industrial zoning where it is a permitted use. The remaining lands within the R-1 Residential zoning, primarily on the Powell property, will be used for the blade laydown area"

However, another important issue has been spotted by the Town's engineer in item 20; page 3 of the engineer's November 22, 2023 review letter. Item 20 acknowledges that there are in fact three parcels involved in this proposal: Holcim, Powell and the parcel to the south which is the Port of Coeymans.

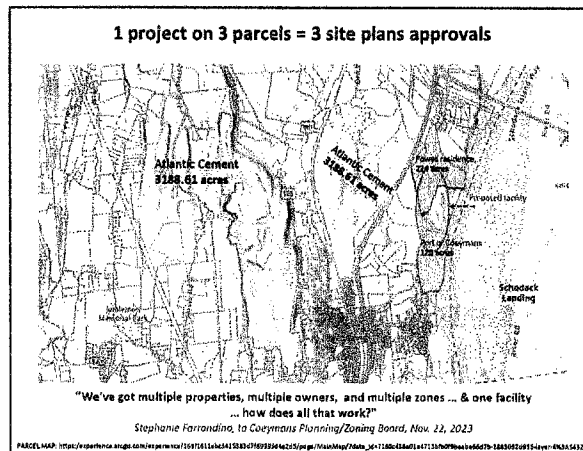
"The proposed plan appears to indicate grading and driveway work on the adjacent parcel to the south."

The Ingalls Project Narrative makes the same connection:

"As the blades are completed in the manufacturing buildings, they will be transported south via **a new 50 feet wide access road connecting GE / LM wind campus to the POC.**" (Emphasis added.)

Given the importance of the Port of Coeymans connection, Carver Companies has only submitted partial applications on two of the three parcels involved in the project. The applicant Carver Companies' project must include a site plan for Tax Map Parcel 156.-4-8.1, the 120-Acre P&M Brick LLC/Port of Coeymans parcel. This parcel is squarely part of, integral to, and material to the proposed project by its operator and the applicant, Carver Companies.

Point 5: This application from Carver Companies cannot be approved because there is no submitted site plan for the Port of Coeymans parcel as required by NYS law.



Point 5: Relevant documents for the record

- Project Narrative, from Ingalls, dated November 6, 2023.
- Letter from Jenny Lippman, MJ Engineering, dated November 22, 2023.



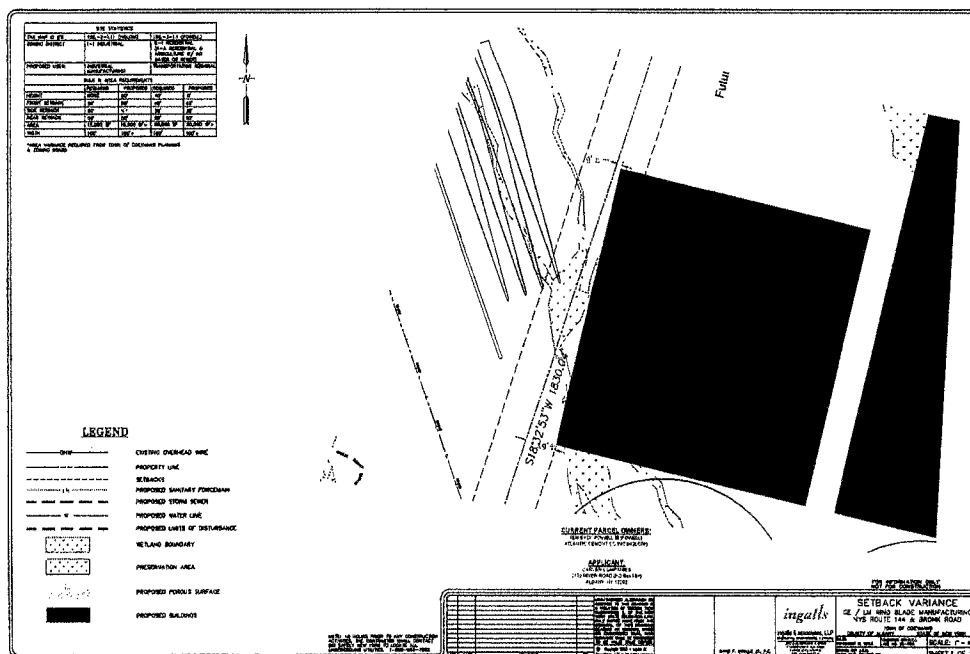
Point 6: Application for Area Variance cannot override I-B Industrial Zoning Buffer

The notice for this Public Hearing includes an application for an area variance as follows:

“AREA VARIANCE

Carver Companies (23-004ZAV): An application for an Area Variance on the property owned by Ten Eyck Powell III and Atlantic Cement Co Inc. Property located at 87 Bronk Road and 1916 US Route 9W, Tax Map #'s 156.-3-1.1 and 156.-2-1.11.”

The applicant has submitted a drawing entitled “SETBACK VARIANCES,” dated November 8, 2023, which appears to identify a single setback variance which proposes a 9 foot setback rather than what the drawing indicates as the “required 50.”



This drawing regrettably ignores the need to maintain the “I-B Industrial Buffer” Zone which exists between the Powell and Atlantic Cement/Holcim parcels. Nor does the written application recognize the legal requirement under the zoning law for the Industrial Buffer to be maintained in its natural state. Because the I-B zone does not allow for any part of the proposed project to spread into that Industrial Buffer zone, the Board can only consider project development that allows the Industrial Buffer zone to be left in its natural state.

The Board must also consider the proposed grading, filling and extraordinary site disturbances involved in this proposal. The extent of these disturbances has been acknowledged by the Board’s engineer, noted in Item 16, page 3 of the November 22, 2023 letter to the Chair.

“16. The narrative shall be updated to include the actual disturbance area. By our calculations, the disturbance area appears to be approximately 100 acres.”

The disturbances include the creation of a 50ft wide road from the Powell parcel to the Port of Coeymans which would run through the Industrial Buffer zone.



Point 6: Because the I-B zone does not allow for ANY uses in that footprint, the Board has no basis to grant any variances along the property line which fail to address the existing Industrial Buffer constraints. The application must therefore be rejected as incomplete.

Point 6: Relevant documents for the record

- Letter from Jenny Lippman, MJ Engineering, dated November 22, 2023.



Point 7: This application is not consistent with the Town's 2021 Comprehensive Plan

The Town's Site Plan Review section in the Town Code provides for a site plan review process that conforms with the Town's Master Plan, as well as the Zoning Law. Two sections are particularly relevant Sections 136-3 and 136-6.

§ 136-3 Intent.

The site plan review procedures and requirements of this chapter are intended to achieve the following:

- A.** Achieve efficient use of the land.
- B.** Protect natural, archaeological and historical resources.
- C.** Provide a consistent and uniform method of review of certain proposed use(s) and development plans.
- D.** Ascertain that any significant redevelopment complies with current standards.
- E.** Review adverse impact on adjoining or nearby properties.
- F.** Retain rural and natural resources with a clean and attractive environment as well as continued development of the economy of the town and the general welfare of its inhabitants.
- G.** Conform to the Comprehensive Plan and Zoning requirements, as amended, of the Town of Coeymans.
- H.** Create an accurate record of approved development.

The Town's zoning law Section 136-6 expressly provides the list of the matters that the Board **shall** consider and each of which the applicant must necessarily address in these applications for all three of the parcels totaling 3,532.61 acres that are involved in this development.

§ 136-6 Review elements and criteria.

[Amended 2-25-2020 by L.L. No. 1-2020]

In acting on any site plan application, the Planning Board/Zoning Board of Appeals, in addition to all other applicable laws, shall consider the following:

- A.** Traffic patterns (ingress and egress).
- B.** Pedestrian safety and access.
- C.** Parking and loading areas.
- D.** Screening and landscaping.
- E.** Environmental air quality.



- F. Fire protection equipment.
- G. Drainage/stormwater runoff.
- H. Refuse disposal.
- I. Location and placement of signs.
- J. Location and dimension of buildings.
- K. Impact of the proposed use on adjacent land 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. 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, if any.
- P. Effects on historical properties listed on the national, state or historical registers, if any.
- Q. Effects of other cultural, archaeological and historical resources of the Town, if any.

Page 19 of the amended Comprehensive Plan, has the following observations on Coeymans natural resources and agriculture:

"The rich and diverse landscape of Coeymans is unique and its character should be protected, not only from an environmental health perspective, but also from a community character perspective. ... The Hudson River waterfront is an important resource as a recreational and community resource, but also as a significant natural resource."

This view of the Town's natural resources and community shaped the Comp Plan's conclusions on Zoning which said on p. 27, that the Town should:

"Ensure a balance of industrial and residential areas of Town to protect and enhance community character."

To achieve that goal, the next sentence stated that

"Industrial development should be focused in **existing industrial areas** and buffered from existing neighborhoods." (emphasis added)

The need for balance and for keeping industrial development in existing industrial areas was repeated on pages 10, 11, and 32 of the 2021 Comprehensive Plan.



Point 7: The Proposal from Carver Companies does not respect the need for balance, but seeks instead to expand the industrial areas of Coeymans along NY Route 144 and the Hudson River waterfront. It is not, therefore, in conformity with the Town's 2021 Comprehensive Plan.

Relevant documents for the record

- Town of Coeymans Comprehensive Plan Amendment adopted May 27, 2021.
(https://coeymans.org/wp-content/uploads/2021/05/Coeymans_Comp-Plan-Amendment_FINAL_May-2021.pdf)



Point 8: Need to Review Air Quality for New Manufacturing on Holcim Parcel

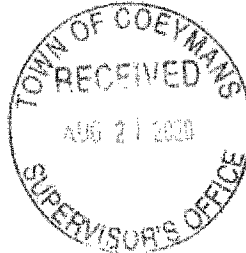
The proposed application from Carver Companies would add an additional manufacturing process and related operations to the Atlantic Cement /Holcim parcel. Under the Town's Code Section 136-6, E, the Planning/Zoning Board is obliged to consider the impact of this proposal on air quality in Coeymans as part of the required site plan review. Holcim's existing Air Resources Permit, and air quality monitoring of present conditions on the site will necessarily have to be performed and reviewed.

As the Board knows, the Holcim parcel is subject to a permit that requires ongoing compliance with respect to environmental air quality. Neighbors have experienced air quality issues from the parcel as shown in a letter from Lafarge/Holcim on one of these incidents. The letter from Ken Walden, Lafarge, is dated August 20, 2020, and is submitted for the record.

The proposal from Carver Companies cannot be approved without a serious review of the impact on air quality of new manufacturing on the Holcim parcel.

Point 8: Relevant documents for the record

- New York State DEC's Division of Air Resources Permit ID: 4-0124-00001/00112
Renewal Number: 1 Modification Number: 21, dated 10/13/2020, for RAVENA CEMENT PLANT
Address: 1916 US RTE 9W RAVENA, NY 12143-0003.
(https://extapps.dec.ny.gov/data/dar/afs/permits/prr_401240000100112_r1_21.pdf)
- Letter from Kan Walden, Lafarge, dated August 20, 2020 to George McHugh, Supervisor Town of Coeymans.



LafargeHolcim
1916 U.S. Route 9W
P.O. Box 3
Ravena, NY 12143
www.lafargeholcim.com

August 20, 2020

George McHugh, Supervisor
Town of Coeymans
18 Russell Avenue
Ravena, NY 12143

Sent USPS Certified Mail

Article No. 7018-2290-0000-1086-9201

Dear Supervisor McHugh,

At LafargeHolcim, our values are built on a continuous focus on health and safety in everything we do. On Saturday, August 8, dust was released at the Lafarge Ravena plant that was carried by winds across our yard and onto areas bordering the south side of our plant property. We have identified the cause of this malfunction and have fixed the mechanical issue.

We take our responsibility as a community leader and partner very seriously and sincerely regret any inconvenience caused by this dusting. We have taken proactive steps to help clean up the dust. We are hiring an environmental firm to assist in surveying and determining the extent of the dust so that we can make sure that we contact all who were potentially affected.

To our impacted friends and neighbors, we have offered free car wash vouchers, and we are working with local detail services to help in the case a car wash is not sufficient. We have also contacted teams of professional house and pool cleaners, if needed.

For more than 50 years, Lafarge has been part of the Coeymans, Ravena and surrounding communities. We live in these communities and we take our responsibility to protect the environment and provide good paying jobs very seriously.

We apologize for this inconvenience. If residents have been negatively affected or have further questions about this situation, we encourage them to contact Area Environmental and Public Affairs Manager Aaron Kelsey at (518) 756-5026 or by email at aaron.kelsey@lafargeholcim.com

Sincerely,

Ken Walden
Interim Plant Manager

STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

In the Matter of an Application of HUDSON RIVER
SLOOP CLEARWATER, INC., NORTH RIVER
FRIENDS OF CLEARWATER, COEYMANS
HERITAGE SOCIETY, INC., PAUL LAWLER,
SYLVIA LAWLER, BARBARA HEINZEN,
ELYSE KUNZ and RICHARD TOUCHETTE,

Petitioners/Plaintiffs,

For a Judgment Pursuant to CPLR Article 78
and A Declaratory Judgment

Index No.: 4568-14
RJI No.: 01-14-114869

- against -

Hon. Roger B. McDonough

THE TOWN BOARD OF THE TOWN OF COEYMANS,
COEYMANS RECYCLING CENTER, LLC, CENTRAL
HUDSON GAS & ELECTRIC CORPORATION,
SELKIRK REALTY CORP., TCI REALTY OF NY, LLC,
WILLIAM BIERS, STEVEN GIAMUNDO, RICHARD
TRACEY, DONALD P. TRICKEY and
DONALD R. TRICKEY,

Respondents/Defendants.

STIPULATION OF SETTLEMENT

RECITALS

1. On or about May 12, 2014, Respondent/Defendant The Town Board of the Town of Coeymans (the "Town") enacted Local Law #4 of the Laws of the Year 2014 ("Local Law #4") which, among other things, changed the zoning classification of nine parcels of property located in the Town enumerated therein.
2. Respondents/Defendants Coeymans Recycling Center, LLC ("CRC"), Central Hudson Gas & Electric Corporation, Selkirk Realty Corp., TCI Realty of NY, LLC, William Biers, Steven Giamundo, Richard Tracy, Donald P. Trickey, and Donald R. Trickey own or have an interest in one or more of the parcels of property that are the subject of Local Law #4.
3. On or about September 5, 2014, Petitioners/Plaintiffs commenced this proceeding/action seeking to, among other things, annul Local Law #4.

4. On or about May 4, 2017, this proceeding/action was discontinued with respect to Respondents/Defendants Central Hudson Gas & Electric Corporation, Selkirk Realty Corp., William Biers, Steven Giamundo, and Richard Tracy, and said parties are no longer parties to this action/proceeding.

5. The remaining parties desire to resolve the issues in this action/proceeding.

IT IS HEREBY AGREED as follows:

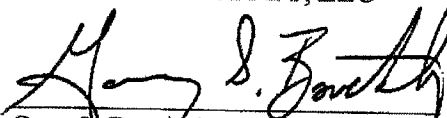
1. The parties agree to the truth and accuracy of the above recitals.
2. The parties agree to stipulate to discontinue the instant action/proceeding.
3. CRC agrees to relocate the metal recycling entity known as Baroni Recycling North, Inc., currently located along the industrial road west of Route 144, to a new location farther away from the Coeymans Creek.
4. CRC will, at its expense, extend the sewer main from the Industrial Park Bridge to the east side of State Route 144 and install a manhole to allow for sewer laterals located north of the Coeymans Creek Bridge to be routed into the Town's sewer system.
5. CRC will continue its efforts to purchase properties within the Hamlet of Coeymans and renovate them, similar to what CRC has already accomplished with respect to the former Adamo Tavern and the 84 and 86 Main Street, 13 Church Street, and 2 Fifth Street properties, subject to the needs of CRC and in the sole discretion of CRC.
6. A copy of the traffic study prepared by Ingalls & Associates for CRC dated February 28, 2014, concerning the Coeymans Industrial Park shall be provided to the parties.
7. The Town will take reasonable and appropriate action within the limits of its authority and in accordance with applicable law, and consistent with the Town's Comprehensive Plan, to create a 100-foot natural vegetative protective buffer on each side of the Coeymans/Onesquethaw Creeks in all areas rezoned from agricultural/ residential to industrial on the west side of NYS Rt. 144.
8. The Town will undertake further initiatives within the limits of its authority and in accordance with applicable law, and consistent with the Town's Comprehensive Plan, to extend this 100 foot buffer to other lands currently zoned industrial along Coeymans/Onesquethaw Creeks.
9. The Town will take reasonable and appropriate action within the limits of its authority and in accordance with applicable law, and consistent with the Town's Comprehensive Plan, to establish a natural vegetative visual buffer of 100 feet on other lands zoned industrial along Rt. 144 extending from the Hamlet to and including lands currently owned by Holcim/Lafarge.

10. The Town will take reasonable and appropriate action within the limits of its authority and in accordance with applicable law, and consistent with the Town's Comprehensive Plan, to develop a trail corridor(s) linking lands owned by the City of Albany along Coeymans Creek with the public park lands along the Hudson River currently maintained by the Town.
11. The Town will take reasonable and appropriate action within the limits of its authority and in accordance with applicable law, and consistent with the Town's Comprehensive Plan, to adopt legislation requiring that all development of lands in the Town that are zoned industrial be subject to full site plan review which will include appropriate environmental assessment (including the impact on soil, water and air resources, and traffic) and an assessment of long-range plans for industrial development within lands in the Town which are zoned industrial.
12. The Town will take reasonable and appropriate action within the limits of its authority and in accordance with applicable law, and consistent with the Town's Comprehensive Plan, to adopt a planned unit development local law that requires every commercial and industrial owner and/or developer to produce a plan for the whole parcel.
13. The parties hereto hereby agree that by entering into this Stipulated Settlement the parties do not waive nor shall they be deemed to have waived any rights to disagree, oppose or bring any legal challenge with respect to the efforts by any party in implementing the terms of this Stipulated Settlement, nor shall entering into this Stipulated Settlement be deemed as evidence of support or agreement with the provisions of paragraphs 1-12 by any party.
14. The signatories hereto have the authority to sign this Stipulated Settlement.
15. This Stipulated Settlement may be executed in counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same instrument.

Dated: December 19, 2017

BOWITCH & COFFEY, LLC

By:



Gary S. Bowitch, Esq.

Attorneys for Petitioners/Plaintiffs

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