

TOWN OF COEYMANS ZONING BOARD MEETING

January 23, 2019

Attendees

Members Present: Mr. Schmitt, Mr. Powell, Ms. Hopkins, Mr. Porlier, Mr. Harris

Members Absent:

Also Present: Mr. Cashin; Mr. Pastore; Ms. Ziegler

Public Present: See attached list

Call to Order

Meeting was called to order by Mr. Schmitt at 7:00 p.m. There was a quorum; full board present. Reading of public notices was waived.

Mr. Schmitt welcomed/introduced the new Zoning Board Attorney Paul Pastore.

Approval of Minutes

Motion was made by Mr. Powell to approve the minutes of December 26, 2018; seconded by Mr. Schmitt; all in favor.

Report of the Building Inspector

Mr. Cashin reported that there are two applications for area variances for Carver Realty on tonight's agenda.

New Business - Area Variance Applications

**Carver Realty LLC 19-001 ZAV:** An application for an area variance for the proposed "new" Yanni's restaurant to reduce parking area to 75 spots from the required 120. The proposed restaurant will be located adjacent to the old structure at 16-20 Marina Drive, Coeymans, NY, Tax Map #168.8-1-23.

Mr. George McHugh (attorney for Carver) and Mr. Charles Hite (surveyor) were present. Also present via conference call were Mr. Michael Biscione (attorney for Yanni's) and Mr. Marc Yanni. Copies of survey and drawing were made available for the Zoning Board's review.

Discussion was held and included:

- Mr. Cashin's decision for requiring 120 parking spaces was based on occupant load of new building , which includes patio/deck and interior.
- Applicant feels that 75 parking spaces would be more than adequate.
- Mr. Cashin stated that without including patio and deck, code requires 66 parking spaces.
- There are boat tie-ups for boating patrons.
- When boats are in the water, that vacant storage area becomes additional parking area. There are plans to store the boats in the Industrial Park.
- Code requires spaces to be 9x10'; spaces will be 10/20"
- As of now there are no plans to do anything with the existing building (other than for storage) after new building is completed. Possible completion date is January 1, 2020.

Public hearing was scheduled for February 27, 2019.

**Carver Realty LLC 19-001 ZFDPV:** An application for an area variance for a Flood Damage Prevention Variance for the proposed "new" Yanni's restaurant to place the building below the base flood elevation. The proposed restaurant will be located adjacent to the old structure at 16-20 Marina Drive, Coeymans, NY, Tax Map #168.8-1-23.

Mr. George McHugh (attorney for Carver) and Mr. Charles Hite (surveyor) were present. Also present via conference call were Mr. Michael Biscione (attorney for Yanni's) and Mr. Marc Yanni. Copies of survey and drawing were made available for the Zoning Board's review.

Discussion was held and included: Building is below the 17' mark; new building will be four feet higher than existing building; in the past 20 years there has been two feet of water on the floor due to spring flooding from ice jams. Coast Guard has been clearing the jams more frequently than in the past which helps to relieve spring flooding. Applicants are making the new structure safer by raising elevation and by the type of construction

There are twelve factors FEMA is asking to be considered: (1) The danger that materials may be swept onto other lands to the injury of others; (2) The danger to life and property due to flooding or erosion damage; (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; (4) Importance of the services provided by the proposed facility to the community; (5) The necessity to the facility of a waterfront location; (6) The availability of alternative location for the proposed use which are not subject to flooding or erosion damage; (7) The compatibility of the proposed use with existing and anticipated development; (8) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area; (9) The safety of access

to the property in times of flood for ordinary and emergency vehicles; (10) The costs to local governments and the dangers associated with conducting search and rescue operations during period of flooding; (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and (12) The cost of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

Mr. McHugh stated that the first plan of action was to invest money into the existing building. It was decided that too much money would be needed for that, so the decision was made to construct a new building. Prior flooding in 2011 and 2012 caused damage to equipment and to the inside; there was only personal property loss. Carver Realty and Mr. Yanni have their own private insurance.

Public hearing was scheduled for February 27, 2019. Mr. Cashin's office will notify appropriate people. A 239 will have to be submitted. The Planning Board requested to be the lead agency and has sent application to DEC for their review.

#### Adjournment

Mr. Schmitt made motion to adjourn; seconded by Mr. Powell; all in favor.