



**Hudson River Sloop Clearwater**  
724 Wolcott Avenue, Beacon, NY 12508  
(845) 265-8080 • FAX (845) 831-2821  
[www.Clearwater.org](http://www.Clearwater.org)

**Media Contacts:**  
Toni Martin, Communications  
[Commun@Clearwater.org](mailto:Commun@Clearwater.org), (845)265-8080, x7112

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## **Clearwater Joins Effort to Protect Coeymans Watershed with New Lawsuit**

COEYMANS, NY – Hudson River Sloop Clearwater announced at a press conference today that it has filed a legal challenge to the Town of Coeymans’ recent zoning changes permitting heavy industrial use in the watershed area around the Port of Coeymans. Clearwater joins the Coeymans Heritage Society and local residents who have been engaged in ongoing efforts to protect the Coeymans Creek watershed.

“Clearwater has been protecting, preserving and promoting the health of the Hudson River and its watershed for more than 45 years,” said Peter Gross, executive director of the organization. “While the achievements have been substantial, the health of our waters continues to be threatened by any erosion of protections – and by the prospect of heavy development activity in critical ecologically sensitive areas.”

The lawsuit challenging the new zoning law was filed in Albany Supreme Court on September 5, 2014, by Gary Bowitch, Esq. of Bowitch & Coffey, LLC, and co-counsel Mark Lebowitz, Esq. of Bartlett, Pontiff, Stewart & Rhodes, P.C., representing Clearwater and North River Friends of Clearwater, Coeymans Heritage Society and the residents.

On May 12, the Coeymans Town Board led by Supervisor Stephen P. Flach had approved re-designation of nine lots previously zoned for residential/agricultural use as a single 309-acre zone with unlimited permitted uses – including heavy industrial.

The 309-acre parcel consists of mostly open and wooded land set along Route 144, in close proximity to the Hudson River. The land is bisected by the Coeymans Creek, which flows directly into the Hudson. Clearwater, along with the environmental groups Scenic Hudson and Riverkeeper, have long made the case that industrial use along the Coeymans Creek would cause irrevocable damage to a vital part of the Hudson River watershed. Scenic Hudson’s director of land use advocacy, Jeff Anzevino, applauded the new lawsuit, saying that, “While Scenic Hudson understands the importance of new jobs, industrial activities should be sited away from sensitive habitat areas.”

Coeymans Creek and the surrounding area – known as the Coeymans/Hannacroix Creek Complex – are recognized by the NYS Department of State as a “Significant Coastal Fish and Wildlife Habitat” that is home to a wide variety of wildlife including bald eagles and herons and that serves as a crucial spawning ground for several fish species, including the endangered shortnose sturgeon.

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The Coeymans Heritage Society president, Paul Lawler said his group's fundamental purpose is "to protect, preserve and enhance the environmental, cultural and historic resources within our community." But, said Lawler, "Unregulated heavy industrial development is threatening to engulf and destroy these precious resources."

Barbara Heinzen, a resident listed as a petitioner on the Article 78 lawsuit, said, "The Town wants to bring in more jobs, but to do so at the expense of the environment is to saw off the branch you are sitting on." Elyse Kunz, another resident petitioner said, "The Town's rush to industrialize a critical part of the Hudson River watershed is reckless, and their blatant disregard for the law needs to stop."

There has been unyielding public opposition to the push for rapid industrialization of the area by Coeymans officials. "The hamlet of Coeymans is a friendly, diverse community threatened with extinction," said Rick Touchette, a former Councilman and member of the Town Board who is also a petitioner. "We want the Town to respect the 2006 Comprehensive Plan, to objectively consider all the ramifications of heavy industry on the lives of hamlet residents, and for everyone to play by the rules."

In 2013, the Town Board approved a previous zoning law to industrialize the same nine land parcels. That law was challenged in court by the Heritage Society, and on March 3 of this year, NY State Supreme Court Judge Michael Lynch declared it null and void, finding the Town failed to conduct the proper environmental reviews as mandated by the NY State Environmental Quality Review Act (SEQRA).

Within days, the Coeymans Recycling Center formally requested a second zoning law to change three parcels to industrial use, and by March 10, the Town Board proposed the 2014 law expanding the industrial area to nine parcels. In May – just over two months later – the Board voted 4-1 to approve the 2014 industrial zoning law.

The new lawsuit alleges the Town of Coeymans again failed to comply with the strict mandates of SEQRA, and also the Town's Comprehensive Plan, and engaged in illegal "spot zoning." The suit was also brought against Coeymans Recycling Center. The charges of spot zoning by the Town stem from the allegations that the zoning change was made at the request of the Coeymans Recycling Center and primarily for its benefit.

Soon after the previously contested law went into effect, a ground-breaking ceremony took place for TCI, Inc. within the new industrial zone. TCI plans to construct a facility for processing electrical equipment containing polychlorinated biphenyls (PCBs). TCI was forced to relocate from its previous plant in Ghent, NY, after a devastating explosion completely destroyed the facility in August, 2012. Ghent has prohibited TCI from building a new plant there.

Coeymans residents opposed to creating the industrialized zone argue that inviting TCI to build a facility that will handle PCBs so close to the Hudson could reverse decades of progress. "We have just spent over 40 years cleaning up the Hudson River," said Stephen Smith of North River Friends of Clearwater, who sits on the Clearwater Board. "Are we going to let that be destroyed now?"

#### **About [Hudson River Sloop Clearwater](http://www.clearwater.org)**

Inspiring, educating and activating millions of people for over 45 years, Hudson River Sloop Clearwater has been at the forefront of the environmental movement as champion of the Hudson River, working to pass landmark legislation like the Clean Water Act, providing innovative educational programs, environmental advocacy, and musical celebrations, including the renowned annual Clearwater Festival. To date, more than half a million people have experienced their first real look at an estuary's ecosystem aboard the sloop *Clearwater*. The organization's strong connection to youth, environmental education, and its agenda to create the next generation of environmental leaders are all part of building and strengthening a Green Cities Initiative for a green economy and a more inclusive and diverse environmental movement. Utilizing the greatest natural resource in the region, the Hudson River, Clearwater has become the grassroots model for producing positive changes to protect our planet. For more information, visit [www.clearwater.org](http://www.clearwater.org). *Hudson River Sloop Clearwater, Inc. is a 501(c) 3 tax-exempt nonprofit, member-supported corporation whose mission is to preserve and protect the Hudson River, its tributaries and related bodies of water.*