

**HAMPTONBURGH PLANNING BOARD
PUBLIC HEARING**

THURSDAY, DECEMBER 5, 2019

A continuation of a Public Hearing was held Thursday, December 5, 2019 in Town Hall, Bull Road, Campbell Hall, NY for consideration of a request from 150 New Wood LLC for site plan approval to allow the construction of a 50,000 +/- square foot manufacturing and warehouse building to be used as a pallet processing operation on property located on the Southerly side of Neelytown Road, Campbell Hall, New York 10916 which property is designated on the Town tax map as Section 1, Block 1, Lot 8.22 and located in the Industrial (I) Zoning District.

Those members present were: Mr. Arnold, Mr. Calogero, Mr. Campanale, Mr. Cawein and Chairman McCloud.

Town consultants present were: Planning Board Attorney David A. Donovan and Kristen O'Donnell, Principal Planner.

Mr. Dillin discussed the work completed to date on the plans.

Chairman McCloud opened the meeting to the public.

Rich Protsko, residing at 114 Neelytown Road, inquired what will be manufactured at the site.

Mr. Dillin answered that they manufacture wooden pallets and that broken pallets are recycled into mulch.

Mr. Protsko inquired where the mulch will be stored and inquired about mulch rot and the possibility of fire.

Mr. Dillin stated that the mulch will be stored in the same area and behind the building. They must follow the regulations for mulch storage.

Mr. Tim McNeilly stated that the mulch is sold out by the end of July every season.

Mr. Dan McNeilly discussed how the pallets are ground into mulch and that the mulch is then dyed for color.

Mr. Protsko inquired about the dye that is used and how the dye is stored.

Mr. Tim McNeilly stated that all colorants are biodegradable and are stored in totes inside the building. The mulch is dyed from April thru July and then the totes get sent back to the manufacturer.

Mr. Protsko inquired about the truck traffic.

Mr. Dan McNeilly stated that they are wholesalers and sell only in bulk shipments not to individual landscapers or public.

Mr. Tim McNeilly stated that there still will be tractor trailers and that the increase will be slow.

Mr. Dan McNeilly stated that he heard his neighbors' concerns but that some businesses in Neelytown Road, Campbell Hall and Neelytown Road, Montgomery have the same addresses and that makes it difficult because many trucks are on the wrong road for the wrong business.

Planning Board Attorney Donovan stated that a traffic study was received from Provident Design Engineering and will be reviewed by the Town's consultant.

Mr. Cawein stated their traffic study states that there will be an approximate 6% increase in traffic over three years.

Mr. Protsko inquired about the workday shifts.

Mr. Dan McNeilly explained that they have been in business over 30 years and have expanded four times since 1993. They overbuilt this proposed building for future expansion and would like the opportunity to expand the hours if needed.

Dr. Lisa Buon, resident of 155 Neelytown Road, expressed her concerns that the noise from the pallet factory will affect the nights and weekends.

Terry Niebuhr, a resident of 161 Neelytown Road, stated that her house shakes at times.

Bob Tersillo, a resident of 116 Neelytown Road, stated his concern about the grinder.

Mr. Dan McNeilly stated that he will not run the grinder 24/7 and will not run the grinder past 7:00 pm. The grinder has not been operated on a Saturday in five years. He submitted to the Board a decibel test they personally completed with the grinders on and off and there was no change whether the grinder was running or not.

Mr. Tersillo asked about the timeline of the project.

Mr. Dan McNeilly stated he hoped to get a building permit by the end of March and to be operating by the end of the year.

Dr. Buon asked if the building can be seen from the road.

Mr. Dan McNeilly stated that the front of the building may be seen from the road and existing trees and vegetation will not be cut down.

Planning Board Attorney Donovan stated that the property is zoned industrial. The proposed project is a permitted use with no variances requested or required. There are laws pertaining to hours of operation and what municipalities can and cannot require. A memo will be prepared and provided to the Board to address the issue.

Discussion ensued pertaining to operating limitations on equipment, such as the grinder, if the applicant proposes such conditions. Planning Board Attorney Donovan stated that the Board can add those proposals as site plan conditions.

Mr. Dillin stated that a narrative detailing proposed and future work shifts was submitted and could add the grinder limitations.

Dr. Buon asked what the hours of operations are presently. She also stated that at the proposed site the trucks will be entering across from her house and that she is opposed to the second shift.

Mr. Dillin stated that the current hours of operation are 7:00am – 4:00pm, six days a week with the possibility of working a second shift if needed.

Kathy Pitts, 301 Neelytown Road, stated that the use by right laws have been discussed for the proposed site plan in an industrial zone and asked about the use by right laws for the surrounding residential zoned areas for the right to be guaranteed quiet nights, clean water, clean air and the quality of life they have become accustomed to.

Planning Board Attorney Donovan stated that he is the attorney for the Planning Board and cannot give legal advice.

Ms. Pitts inquired whether the proposed renters of the front portion of the proposed building would have to submit a generic environmental impact statement.

Mr. Dillin stated that it is noted on the map that if the proposed usage is not what is stipulated they will have to submit to the Planning Board.

Ms. Pitts inquired about the elevations, screening and wells.

Mr. Dillin stated the building is 133' in length and 28' high. MJS Engineering will prepare a landscape plan. There will be no new wells drilled.

Mr. Dan McNeilly stated that there will be a separate septic system for the proposed building.

Ms. Pitts inquired about the traffic study and stated her concerns about the traffic on Neelytown Road.

Chairman McCloud stated that the traffic study will be reviewed by a consultant.

A resident inquired about the lighting.

Mr. Cleverly stated that there will be lights on the building that will illuminate to the parking area as needed and for security.

Ms. Pitts read a letter from Phyllis Montanari who resides at 228 State Route 416, the letter is in the file.

Chairman McCloud stated that traffic issues on Route 416 should be addressed to the NYSDOT.

Planning Board Attorney Donovan stated that although it is the decision of the Board whether to close the public hearing or keep it open he advised that the public hearing stay open due to comments from the traffic study consultant and other information not received.

Mr. Dillin stated that the applicant prefers the public hearing be closed.

MOTION offered by Mr. Arnold, seconded by Mr. Calogero to continue the public hearing to Thursday, January 2, 2019 at 7:00 pm or soon thereafter the matter can be heard. Motion carried with all voting in favor.

Jean Lord, Planning Board Secretary