

**HAMPTONBURGH PLANNING BOARD  
PUBLIC HEARING**

**THURSDAY, JANUARY 2, 2020**

A continuation of a Public Hearing was held Thursday, January 2, 2020 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.

Correspondence received from:

- Michael H. Sussman, Sussman & Associates, dated December 24, 2019
- Gabe DeSilva, resident 48 Quarry Road, dated December 31, 2019
- John Russo, P.E., Lanc & Tully, review letter dated January 2, 2020
- Philip A. Perazio, OPRHP, dated December 31, 2019 by MJS Engineering & Land Surveying

Mr. Dillin and Brad Cleverly, the applicant's representatives, discussed the work completed to date on the plans. They received a letter from SHPO stating there are no impacts but are waiting for archaeology report.

Kristen O'Donnell stated that SHPO confirmed that there will not be any impacts on archaeology or historic resources.

Chairman McCloud opened the meeting to the public.

Chris Miele, 238 Sarah Wells Trail, inquired about Phase I and Phase II and the drainage basin.

Mr. Dillin stated that Phase I is 120 Wood and Phase II is 150 New Wood are separate projects and drainage will be addressed.

Kathy Pitts, 301 Neelytown Road, stated that she heard the grinder when she took a walk around 4:30pm and it was quite loud. She stated that she is very concerned if the grinder were to run into the night and weekend or if the owners sold to another party. She also stated she saw a pile of rotting woodchips and that it smelled unpleasant. She inquired if the Board members visited the site.

Chairman McCloud stated that a site walk will be scheduled.

Mr. Campanale stated that he went by when the grinder was running and it was quite loud and understood the neighbors' concerns about the grinder running at night and weekends.

Mr. Dillin stated that the application is for 150 New Wood with a narrative attached. 150 New Wood will be used to build new pallets and repair old pallets inside the building. The grinder is on 120 Wood and under a different approval. The hours for 150 New Wood will not transfer to 120 Wood.

Mr. Dillin also stated that Mr. Sussman's letter noted that the neighbors don't have an issue with the grinder as it operates currently. There will not be a grinder on the proposed site.

Chairman McCloud stated that the grinder has been in operation since approximately 2000 and this is the first time the Planning Board has been hearing complaints about the noise.

Morse Pitts, 301 Neelytown Road, stated that noise during business hours are not the issue it is the nighttime noise that is the problem. The concern of not knowing who will be renting the building and the traffic flow from trucks is another issue.

Chairman McCloud stated that a site plan submission by the renters to the Planning Board would be required.

Mr. Morse voiced his concern about the increased truck traffic on the road and noise occurring on nights and weekends. He stated that trucks should not be able to make deliveries or pick up materials after 7:00 pm.

Rich Protsko, 114 Neelytown Road, inquired if there is going to be a day shifts only.

Mr. Dillin stated that there will be a day shift with the ability to expand hours as needed until 11:00 pm. The work will be completed inside the building.

Mr. Protsko stated his concern about the noise currently being made from the grinder on nights and weekends and the proposed noise that will be coming from the new site – nail guns, trucks, etc. on nights and weekends.

Mr. Dillin stated that the application for 150 New Wood is what is currently being discussed and that 120 Wood has been approved.

Chairman McCloud stated that the Board does not have the authority to restrict when trucks can come and go.

Discussion occurred pertaining to whether delivery times can be restricted.

Planning Board Attorney Donovan stated that the purpose of a public hearing is to give public input not to have a public discussion. The Board needs public input to assist in making decisions. The issues are noise, traffic and hours of operation. The NYS Town Law Section 274a allows the Board to impose reasonable conditions and restrictions directly related and incidental to a proposed site plan. It has to be relative to an objective metric. It can't be because "person A" does not want to hear the noise. It needs to have an objective metric, whether it is a decibel level or something similar, that the Board can impose a regulation. It needs to be reasonable and it needs to be objective and needs to be related to the property. The traffic consultant contract was signed before Christmas.

Discussion pertaining to a noise study was conducted. Kristen O'Donnell stated that an outline for a noise study can be submitted or could also measure the noise and project it forward. Mr. Arnold stated that the new building will not have the grinder. Planning Board Attorney Donovan stated that data

(issues raised by the public) is needed to make a decision of what, if any, mitigation can be put into place.

Kevin Kaplicky, employee of 301 Neelytown Road, noted that there are piles of mulch and sawdust and wondered if that was permitted of the current business and will that also occur at the proposed site and is concerned that it will add to the truck traffic picking up the piles.

Chairman McCloud stated that would be a permitted use.

Mr. Pitts stated that the tractor trailers and the backup alerts disrupts sleep and in his opinion considered objective and not subjective. There are ways to mitigate that.

Ms. Miele stated that she looked up the noise code for the Town and noted that it states that you have the right to normal enjoyment of your property. The Board can't just focus on industrial rights. Since there are no buffer zones or specific rules you need to keep both entities in mind when making a decision.

Mr. Dillin stated that the loudest noise from 150 New Wood will be the trucks entering and leaving the site. He also stated he doesn't want to change the narrative that was submitted. He also stated that the numbers included in the traffic study are accurate.

Cheryl Mallon, 43 Quarry Road, inquired what happens if the business is sold in the future.

Mr. Dillin stated that site plan approvals would need to be adhered to.

Planning Board Attorney Donovan stated that a public hearing is for the Board to hear issues that need to be considered and applied fairly for all concerned.

Bobby Tersillo, 116 Neelytown Road, inquired if the extended hours for 150 Neelytown Road extend to 120 Neelytown Road.

Mr. Dillin stated that the extended hours do not extend to 120 Neelytown Road.

Mr. Protsko stated that it is the second shift and overall noise that is of concern to him.

Ms. Pitts inquired where the generators will be located and what happens when there is a power outage.

Mr. McNeilly stated that it is not a generator but is a diesel engine and is used for the sprinkler system. It will be located inside the building and the water tank is located outside the building. If there is a power outage the business shuts down.

There were no additional comments; no additional communication was received for or against.

**MOTION** offered by Mr. Arnold, seconded by Mr. Cawein to close the public hearing at 7:42 p.m.  
Motion carried with all voting in favor.

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Jean Lord, Planning Board Secretary