

**HAMPTONBURGH PLANNING BOARD  
REGULAR MEETING**

**THURSDAY, AUGUST 20, 2020**

A Regular Meeting of the Planning Board was held Thursday, August 20, 2020 via ZOOM in accordance with the applicable Executive Orders heretofore issued by the New York State Governor Andrew Cuomo suspending certain provisions of the New York State Open Meetings Law.

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

Town consultants present were: Planning Board Attorney David A. Donovan and Town Engineer Arthur R. Tully.

Chairman McCloud opened the meeting at 7:00 p.m.

**MOTION** offered to accept the Planning Board minutes of June 4, 2020 as submitted. Motion carried with all voting in favor.

**150 NEW WOOD**

Site Plan, Neelytown Road  
Section 1, Block 1, Lot 8.22

Correspondence received:

- James Dillin letter dated July 10, 2020 – proposed hours of operation.
- James Dillin response letter dated July 21, 2020 and site plans.
- Lisa Buon email dated August 3, 2020
- Daniel Prusinowski, Aurora Acoustical Consultants, email and “Review of Noise Impact Assessment”, dated August 5, 2020.
- Tim Miller response letter dated August 19, 2020.

Jim Dillin, the applicant’s representative, noted the times of operation, as stated on the plans, as:

- Normal pallet construction and repair: 5:00 a.m. to 9:00 p.m. Monday thru Saturday.
- Normal trucking for shipping and receiving: 5:00 a.m. – 9:00 p.m. Monday thru Saturday.
- Truck idling to be in conformance with the NYSDOT regulation.

Mr. Dillin noted that the Aurora Acoustical Consultants review only issue was with trucks leaving the site at 150 New Wood. Mitigation would be to add screening on the entrance. There will be limited trucking, possibly 3-4 trucks in the morning. There are four trucks total.

Kelly Laughton, Attorney for the applicant, discussed an email received by Planning Board Attorney Donovan on August 11. Their position is that the projects are not integrated, not one use. Ms. Laughton suggested the Planning Board’s noise consultant and McNeilly’s noise consultant reach an agreement on noise mitigation.

Chairman McCloud stated that it was his understanding from previous meetings that the grinder is going to be interior.

Ms. Laughton stated that she is not sure if the grinder is to be interior but saw that it was referenced in the sound report and will work to mitigate the noise.

Mr. Calogero stated that the study noted an increase in noise levels by 6 decibels.

**150 NEW WOOD, cont'd.**

Ms. Laughton stated that she is aware of the increased noise levels but the sound study didn't state that the grinder was directly responsible.

Mr. Calogero stated that whatever mitigation is proposed a projected reduction of the sound pressure levels should be re-evaluated.

Mr. Cawein stated that the Town Code has a provision that noise levels shall not exceed 65 decibels at any residential boundary line of a property or any boundary line of a residential zone.

Mr. Dillin stated that the maximum decibel levels are in the special use section of the Code not under permitted use as this project is.

Planning Board Attorney Donovan offered a clarification stated that Mr. Dillin was correct and that there is a provision in the Town Code for site plans - Section 150-16, (C5) Noise levels – "The volume, character and hours of generation of noise generated on the site shall be compatible with the characteristics of surrounding uses".

Ms. Laughton stated that they are aware of that provision but there are not decibel levels set forth or a separate noise chapter.

Mr. Calogero inquired if the DEC noise level guidelines that provides decibel levels for both night and day impacts the project. He also noted that 65 decibels is a high number especially at night.

Ms. Laughton stated that the Board should defer to their attorney and acoustical consultant and that the DEC document are only guidelines and are not statutory.

Mr. Arnold inquired if there would be an issue with the two acoustical consultants to be able resolve the issues.

Ms. Laughton stated she had no concerns and would be the best way to resolve the Board's concerns.

Mr. Campanale inquired if the issues stated in the letter received from the Montgomery Highway Superintendent have been resolved. He also inquired if the road is able to handle the truck traffic by the cemetery and the turn Eager Road stating his concern that the road is too narrow in places.

Ms. Naughton stated that there are no outstanding traffic issues for 150 New Wood and has not received any of those concerns.

Mr. Dillin stated that there were no issues with traffic.

Mr. Cawein stated that the Montgomery Highway Superintendent's concerns was the truck traffic with RDM Warehouses because of the amount of truck traffic that will be generated. The McNeilly's are only adding a couple of trucks to what they use now.

**150 NEW WOOD., cont'd.**

Mr. McNeilly stated that their traffic study consultant showed no impacts in the traffic study and the Planning Board's consultant, SIMCO, concurred.

**RDM WAREHOUSES**

Site Plan, Neelytown Road  
Section 1, Block 1, Lot 6

Correspondence received:

- Via John Russo email dated August 19, 2020 from D. Prusinowski, Aurora Acoustical Consultants.
- Jay Samuelson dated July 22, 2020 requesting to be placed on the August Planning Board meeting.
- Shaun Meres, Town of Montgomery Highway Superintendent, dated July 28, 2020.

Jay Samuelson, the applicant's representative, discussed the comments received from the Planning Board's sound consultant stating that there was increase noise on the eastern side of the railroad where there are residents on County Route 4. He also stated that the two consultants would work together to determine mitigation.

Chairman McCloud inquired about the letter from the Town of Montgomery Highway Superintendent.

Mr. Samuelson stated that their traffic consultant made comments about the condition of Neelytown Road and recommended to improve the thickness to the pavement section in that area and replace the existing culvert near Eager Road. No other impacts were identified in the traffic study.

Town Engineer Tully inquired if Mr. Samuelson spoke to the Montgomery Highway Superintendent.

Mr. Samuelson stated that he did not.

Planning Board Attorney Donovan stated that he forwarded the letter to the Montgomery Town Attorney on July 29, 2020 inquiring if that was the official position of the Town. A response has not been received to date.

Rob Stout, Attorney for the applicant, stated that may be policy position by the Montgomery Highway Superintendent that there may be impacts to the road. Also will need to discuss jurisdictional issues of the ability of this Planning Board requiring improvements in another town.

Chairman McCloud stated that the Board is not claiming jurisdiction just informing them the amount of trucks that will using the road.

Planning Board Attorney Donovan stated that traffic is an issue but the ability to impose a condition on this project relative to the roads in Montgomery is tenuous.

Mr. Arnold inquired whether the noise mitigation will be completed by the next meeting.

**RDM WAREHOUSES, cont'd.**

Mr. Samuelson stated that is what he is waiting for from the Planning Board's consultant. He stated it was his understanding that the only issue was from the neighboring properties along County Route 4 along the backside of the project whereas a fence would be constructed on the eastern border along the railroad to mitigate the noise.

Mr. Campanale inquired if the road issues were settled and stated concerns that the road was too narrow.

Mr. Cawein stated that Neelytown Road is a rural road and the average is 18' width. When the quarry was operating they maintained the road out to Route 99. The road from the quarry averages 20' to 22' in areas.

Discussion ensued regarding scheduling a public hearing. Chairman McCloud stated that a public hearing could be scheduled during the September 3 meeting for October 1, 2020.

**MOTION** offered by Mr. Arnold, seconded by Mr. Calogero, to adjourn the Planning Board meeting at 7:35 p.m. Motion carried with all voting in favor.

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Jean Lord, Planning Board Secretary