

**HAMPTONBURGH PLANNING BOARD
REGULAR MEETING**

THURSDAY, OCTOBER 1, 2020

A Regular Meeting of the Planning Board was held Thursday, October 1, 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, Town Engineers Arthur R. Tully and John Russo.

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

MOTION offered by Mr. Arnold, seconded by Mr. Cawein, to accept the Planning Board minutes of September 3, 2020 as submitted. Motion carried with all voting in favor.

150 NEW WOOD, LLC

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

Correspondence received:

- James Dillin, dated September 16, 2020, revised plan dated September 15, 2020.
- Aurora Acoustical Consultants, Inc. "Review of Noise Impact Assessment" revised September 24, 2020.
- Memo from the Hamptonburgh Building Department, dated September 24, 2020.
- Simco Engineering, dated September 28, 2020 with attachment of Provident Engineering, dated February 21, 2020.
- Lanc & Tully review entitled "150 New Wood LLC", dated September 30, 2020.

James Dillin, the applicant's representative, discussed amending the plans per Building Department memo and Lanc & Tully's review letter and the grinder and truck traffic mitigations.

Town Engineer Tully stated that minor items for the site plan needs to be addressed.

Town Engineer Russo set the time frame to construct the sound barrier for the grinder at 90 days.

Mr. Dillin agreed with the time frame.

MOTION offered by Mr. Arnold, seconded by Mr. Cawein, that the Hamptonburgh Planning Board, as Lead Agency, notes that the project presents no significant environmental impact, therefore the Board issues a **negative declaration** thereby ending the SEQR process. Motion carried with all voting in favor.

The following resolution was offered by Mr. Cawein and seconded by Mr. Arnold:

150 NEW WOOD, LLC. cont'd.

**Resolution Of Approval
Site Plan
For
150 New Wood LLC**

Nature of Application

150 New Wood LLC ("New Wood") proposes the construction of a 50,000 +/- square foot manufacturing and warehouse building on a 31.65 +/- acre parcel. The project will construct a new driveway with the entrance located at the northerly corner of the property and it will encircle the proposed building and traverse through the property to an existing driveway on an adjoining property owned by 120 New Wood LLC. Together, these two properties constitute the business known as "McNeilly Wood Products," a full-service manufacturer of new and reconditioned pallets, custom pallets, bulk landscaping mulch and wood shavings. This project, an expansion of the existing McNeily Wood Products operation, which has been in business on Neelytown Road in the Town of Hamptonburgh for in excess of twenty-five (25) years, will obtain water from an existing well and a new sewage disposal system will be designed for the new building. The project will expand the existing operation by 25,000 square feet and is estimated to have approximately 20 full time employees and the building will be used to assembly new pallets and repair broken pallets.

Property Involved

The property affected by this resolution is shown on the Tax Maps of the Town of Hamptonburgh as parcel(s) 1-1-8.22.

Zoning District

The property affected by this resolution is located in the I zoning district of the Town of Hamptonburgh.

Plans

The Site Plan materials considered consist of the following:

1. Completed application form;
 2. Full Environmental Assessment Form dated July 17, 2019 and last revised September 16, 2019;
 3. Phase II Site Plans prepared by James A. Dillin, PLS dated January 23, 2019 and last revised July 21, 2020 consisting of 11 sheets.
 4. Traffic Analysis prepared by Provident Design Engineering dated November 8, 2019 and February 21, 2020.
 5. Noise Assessment prepared by Tim Miller Associates, Inc., dated May 18, 2020, revised August 19, 2020 and September 1, 2020.
 6. Project narrative submitted on behalf of the applicant last revised August 31, 2020.
- Additionally, the Town has engaged the services of Simco Engineering, P.C., ("SIMCO") and Aurora Acoustical Consultants, Inc. ("Aurora") to assist the Town Engineer, Lanc & Tully, in the review of the submitted Traffic Analysis and Noise Assessment on behalf of the Town of Hamptonburgh.

History

Date of Application

The application was filed with the Planning Board in July of 2019.

Public Hearing

A public hearing on this application was convened on November 7, 2019. The public

150 NEW WOOD, LLC. cont'd.

hearing was continued until December 5, 2019 and then again until January 2, 2020 at which time the public hearing was closed.

SEQRA

Type of Action:

This matter constitutes Type I action under the State Environmental Quality Review Act. A coordinated review was conducted by the Planning Board pursuant to the SEQRA Regulations with the Town of Hamptonburgh Planning Board acting as the Lead Agency.

A negative declaration was issued by the Planning Board on October 1, 2020. The findings set forth in the negative declaration are incorporated herein by reference.

GML 239 Referral

This application has been referred to the Orange County Planning Department for review and report. The Planning Department, in a report dated November 18, 2019, has reported that this matter is one for local determination, there being no significant inter-municipal or countywide considerations found to exist.

Findings

The Planning Board has determined that approval of the Site Plan will substantially serve the public convenience, safety and welfare; will not be detrimental to the neighborhood or the residents thereof; and will not otherwise be detrimental to the public convenience or welfare, subject to full compliance with the plans identified hereinabove as well as compliance with all requirements imposed by Chapters 145 and 150 of the *Code of the Town of Hamptonburgh*.

The Planning Board has carefully examined the critical issues identified during the site plan review process, specifically, traffic, noise and hours of operation. In connection with traffic, the Planning Board engaged the services of Simco Engineering, P.C., ("SIMCO"). Simco has reviewed the analysis performed by the applicant's traffic engineer, Provident Design Engineering and, pursuant to correspondence dated February 28, 2020, found that "since there were no traffic impacts identified in the report of [Provident Design Engineering] Simco advised the Town of Hamptonburgh to accept the findings of the TIS [Traffic Impact Study]. Further, in accordance with a determination dated September 28, 2020, Simco determined that no additional improvements to Neelytown Road North were required to accommodate the project.

In connection with noise, the Town of Hamptonburgh engaged the services of Aurora Acoustical Consultants, Inc ("Aurora") to review and evaluate the noise assessment performed by Tim Miller Associates, Inc. on behalf of the applicant. In a report last revised September 24, 2020, Aurora that:

Based on our predictions and surveys of background sound levels from existing facility operations and predictions of sound levels from combined manufacturing operations, Aurora Acoustical Consultants, Inc. concludes that there will be insignificant to minor increases in community sounds levels generated by the planned 150 New Wood LLC warehouse manufacturing facility and daytime operating hours with proposed mitigations, prepared to existing Wood facility operations with applied mitigations. The predicted minor daytime sound level increases shall have no appreciable affect on the majority of receptors for the closest adjacent properties may have potential of adverse noise impact only in cases where the most sensitive receptors are present, referencing NYS DEC Noise Assessment Guidelines. However, the overall daytime sound levels from both facilities will be relatively reduced by several decibels by the plan mitigations to

150 NEW WOOD, LLC. cont'd.

the grinder operation. Increases in early morning sound levels prior to 7:00 a.m. will be insignificant and have no significant affect on the majority of receptors around both facilities.”

In connection with hours of operation, the applicant initially sought to operate their facility 7 days a week, 24 hours a day. In communication dated August 31, 2020 the applicant agreed to modify these hours of operation as follows:

- McNeilly Wood Products, Inc., (MWP) agrees to be viewed as one entity operating on two adjacent parcels subject to the same operating hours.
- MWP agrees to limit its operating hours from 5:00 a.m. to 9:00 p.m. Monday through Saturday. Closed on Sunday.
- MWP agrees to restrict incoming third party trucking to the following hours: 7 a.m. to 5:00 p.m. Monday to Friday and 7:00 a.m. to 11:00 a.m. on Saturday. No deliveries on Sunday.
- MWP agrees that any MWP trucks leaving prior to 7:00 a.m. will exit the existing 120 Wood LLC entrance and not the new proposed 150 New Wood LLC entrance.
- MWP agrees to operate its wood grinding operation on 120 Wood LLC property between the following hours: Monday to Friday 7:30 a.m. to 5:30 p.m. Saturday 7:30 a.m. to 12 noon. No operation on Sunday.

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve this Site Plan as said proposal is depicted on the plans identified above and upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the plans upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Specific Conditions

- This approval is subject to compliance with the requirements and mitigation measures imposed by the Planning Board Engineer, Lanc & Tully.
- This approval is subject to compliance with the requirements and mitigation measures imposed by the Planning Board Traffic Consultant, SIMCO Engineering, P.C.
- This approval is subject to compliance with the requirements and mitigations measures imposed by the Planning Board Noise Consultant, Aurora Acoustical Consultants, Inc.
- The mitigation measures required to reduce the noise generated by the use of the grinders, specifically the construction of an enclosure with solid walls as described in the applicants submissions to this Board, shall be completed and in operation within ninety (90) days of the date of this approval.
- This approval is subject to compliance with the terms, conditions, notes and all provisions contained within and upon the “plans” referenced hereinabove.
- The following conditions shall apply to the operation of the McNeilly Wood Products facility:
 - a) McNeilly Wood Products, Inc., (“MWP”) located at 120 Neelytown Road (tax parcel 2-1-52) and 150 Neelytown Road (tax parcel 1-1-8.22) in one commercial entity operating on two adjacent parcels bisected by a right of way that is Town Highway by Use, subject to the same operating hours set forth herein.
 - b) The MWP operating hours shall be from 5:00 a.m. to 9:00 p.m. Monday through Saturday.
 - c) MWP shall be closed on Sunday.

150 NEW WOOD, LLC. cont'd.

- d) Incoming third party trucking to MWP shall be restricted to the following hours: 7 a.m. to 5:00 p.m. Monday to Friday and 7:00 a. m. to 11:00 a.m. on Saturday.
- e) There shall be no deliveries to MWP on Sunday.
- f) Any MWP trucks leaving the facility prior to 7:00 a.m. will exit the existing 120 Wood LLC entrance and not the new proposed 150 New Wood LLC entrance.
- g) The wood grinding operation on 120 Wood LLC property shall be restricted to between the following hours: Monday to Friday 7:30 a.m. to 5:30 p.m. Saturday 7:30 a.m. to 12 noon. There shall be no operation on Sunday.

General Conditions

This approval is conditioned upon the applicant delivering (prior to signing of the plans) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all fees have been paid.

A FAILURE to comply with any such condition in a timely manner shall result, without further action, in a lapsing of this approval.

Roll Call:

Mr. Arnold - aye

Mr. Calogero – aye

Mr. Campanale – aye

Mr. Cawein – aye

Chairman McCloud – aye

Resolution carried.

RDM WAREHOUSES

Site Plan/Subdivision, Neelytown Rd
Section 1, Block 1, Lot 6

Correspondence received:

- Submittal letter, dated September 16, 2020, from Jay Samuelson, Engineering & Surveying Properties with site & subdivision plans.
- Michael Sussman, Sussman & Associates, dated September 23, 2020.

Planning Board Attorney Donovan explained, at the request by Jay Samuelson, the applicant's representative, the reason the public hearing was cancelled stating that the assessor's office submits a list of properties owners within 500' of the site's lot lines that are required to receive a legal notice. The list submitted was not a complete mailing list and it was deemed that the best course of action would be to cancel the public hearing and re-schedule.

Mr. Samuelson discussed the items submitted on September 16, 2020.

Brian Dempsey, Provident Design Engineering the applicant's traffic consultant, stated he received Lanc & Tully's comments, had conversations with the Town's traffic consultant SIMCO and completed additional measurements. The road is posted 30 mph noting that the 10'-12' lanes are adequate with the 2' shoulder on each side that can be paved or unpaved. Pictures were sent to SIMCO showing that two trucks can adequately pass one another. The road widens

RDM WAREHOUSES, cont'd.

at the curve. There is good site distance on the road. The applicant is doing significant road improvements. One of the discussions with SIMCO is painting a double yellow line.

Mr. Campanale inquired if other Board members stood on the Eager Road triangle to see the how the road narrows at the cemetery and the blind spot that occurs.

Town Engineer Tully stated that the shoulder of the road is not consistently 2' wide for the entire length of the road. He also noted that the road is narrower at the cemetery and the rise reduces site distance at the hill but that the road is straight.

Mr. Campanale stated his concern over a truck and a minivan passing on the road.

Town Engineer Tully stated that those narrower areas can be examined.

Mr. Samuelson informed the Board that changes were made to the site plans to move the berm and fence immediately adjacent to the loading area where the noise occurs and not back by the property line by the railroad bed.

Jon Dahlgren, Tim Miller Associates the applicant's sound consultant, explained that having the noise barrier closest to the noise source is more effective than having it some distance away is more effective. A 10' high berm with a 6' high solid wood fence on top of the berm, for a total of 16', would be constructed close to the loading area. The closest house on Maybrook Road is 1600' away. Noise reduces over that distance and with the added 16' barrier there should not be a noticeable increase in noise.

Mr. Calogero inquired how effective will that be with the higher frequency back up alarms.

Mr. Dahlgren stated that the barrier should reduce it but the high frequency alarms may be perceptible. The general noise of trucks was examined but they did not specifically analyze back up alarms. Trucking fleets are starting to use lower frequency/less loud back up alarms on their newer trucks.

Charles Gottlieb, the applicant's attorney, stated that the 24/7 operation will not include 24/7 truck traffic. Forklifts with back up alarms is what may be heard in off hours. Forklifts can be provided with "shusher alarms".

Town Engineer Tully inquired if the hours of operation of the trucks and external equipment will be a condition of site plan approval.

Mr. Samuelson stated that the hours of operation was added to the plan:

- 6:00 am – 9:00 pm, Monday – Friday for truck deliveries.
- 7:00 am – 7:00 pm on weekends.

The 24/7 outside operation has been removed but maintaining possible 24/7 internal operation.

Mr. Campanale noted that future tenants will be limited to the hours.

RDM WAREHOUSES, cont'd.

Mr. Gottlieb stated that there are no tenants at this point and whatever is approved as a condition of approval the tenant will have to deal with or they would have to come before the Board with a site plan.

Chairman McCloud inquired about the noise from the roof mounted equipment.

Mr. Samuelson stated that the noise from the trucks will drown most of that noise out.

Discussion concerning the emergency access road occurred. Mr. Gottlieb stated that the plan was reviewed by the Fire Marshall and after extensive discussions and adding a secondary emergency access it was approved.

Planning Board Attorney Donovan noted that the lot in the back will be serviced by a private road and has a possible 280A issue.

Town Engineer Tully stated that both lots require variances and will need to be reviewed.

Mr. Gottlieb stated that in all the review letters and reviews by the Building Inspector, who makes the determination for a variance, those issues have never come up. They will provide another zoning compliance analysis and review the 280A issue.

MOTION offered by Mr. Arnold, seconded by Mr. Calogero, to schedule a public hearing for consideration of RDM Warehouses Site Plan and Subdivision Plan on Thursday, November 5, 2020 at 7:00 p.m., or as soon thereafter as the matter can be heard. Motion carried with Mr. Arnold, Mr. Calogero, Mr. Cawein and Chairman McCloud voting aye and Mr. Campanale voting nay.

MOTION offered by Mr. Cawein, seconded by Mr. Arnold, to adjourn the Planning Board meeting at 7:48 p.m. Motion carried with all voting in favor.

Jean Lord, Planning Board Secretary