

**HAMPTONBURGH PLANNING BOARD
PUBLIC HEARING**

THURSDAY, NOVEMBER 5, 2020

A Public Hearing was held Thursday, November 5, 2020 via Zoom for consideration of a request A request by Real Deal Management for a two (2) lot subdivision and site plan approval allowing the construction of a 100,000+/- square foot warehouse on proposed lot number 1 and construction of a 245,000+/- square foot warehouse on proposed lot number 2. The property is located at 230 Neelytown Road and is designated on the tax map as section 1, block 1, lot 6. The property is located in the Town of Hamptonburgh Industrial (I) Zoning District. The property is owned by Brenda Messenger, Frederick John Heck and Susan-Ann Ponesse.

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 Engineers Arthur R. Tully and John Russo.

The public hearing was heard at 7:30 p.m.

Publication and posting of the legal notice appeared in the October 26, 2020 edition of the Times Herald Record. An affidavit of the mailing was previously submitted to the Secretary and found to be in order.

Jay Samuelson, the applicant's representative, presented an overview of the project. The property is a 78 acre parcel in the Town of Hamptonburgh located at 230 Neelytown Road in the I zone (General Industry). The proposed use is a warehouse which is a permitted use in the zone. There are no requested special use permits or variances as it is in compliance with the current town zoning. A two lot subdivision is proposed with each lot containing an individual warehouse. Lot 1 is approximately 15 acres and will have a 100,000 sq.ft. warehouse. Lot 2 is approximately 63 acres and will have a 145,000 sq.ft. warehouse. A private commercial road off Neelytown Road is proposed to service the two lots and will be built to Town Code specifications. There are several storm water features proposed on the site to mitigate runoff and will treat the water quality – several of them are designed as infiltration basins to promote recharge of the ground water back into the ground. Each lot will have employee parking areas and loading areas. Each lot will be serviced by its own private well and private sub surface septic system both of which will be reviewed and approved by the Orange County Department of Health and the DEC. Both wells have been drilled and tested.

Chairman McCloud opened the meeting to the public.

Kathi Pitts, residing at 301 Neelytown Road, Windfall Farms, read from her written statement submitted to the Board dated November 1, 2020.

Emily Svenson, Associate Attorney with David K. Gordon Attorney and Counselor at Law, representing Windfall Farms, summarized her letter submitted to the Board dated November 3, 2020.

Kevin Draganchuk, CEA Engineers, summarized his letter/report submitted to the Board dated November 2, 2020.

Richard Hagopian, representing his mother Judith Hagopian residing at 239 Maybrook Road stated concerns regarding roof runoff will not be absorbed into the ground and detention ponds will be maxed

out resulting in floods; the large salted surfaces in the winter will drain into the detention ponds; the project does not represent what the Town looked to achieve and is an abuse of the land; the road report does not show two trucks passing each other.

Steve Peterman, speaking on behalf of 305 Maybrook Road, stated that they are in negotiation with the Nemith farm to take over the operations to do organic farming. The warehouses will create chemical hazards in the area.

Jason Anderson, resides at 25 Wallkill Avenue, Montgomery, stated he is a local business owner and is in full support of the project because warehouses are needed in the area; direct access to the interstate; will bring work to local businesses and eventually jobs to the municipality.

Don Burger, resides in the Village of Montgomery, stated he is a founding member of Residents Protecting Montgomery and his concerns are National Builders, Unify, Do It Best and FedEx are all planning on expanding bringing more trucks and traffic; Medline truck traffic will travel Neelytown Road; traffic study for National Builders did not include Medline; there is a lack of communication between Town of Montgomery and Town of Hamtonburgh.

Morse Pitts, residing at 301 Neelytown Road, Windfall Farms, read from his email dated November 3, 2020 submitted to the Board. He also added that he doesn't understand the value to the town to replacing food grown here with food that is passing through a warehouse.

Maureen Halahan, President and CEO of Orange County Partnership, she stated they assist in attracting quality industrial requirements to invest in the community to bring full time jobs with benefits and pay taxes; this project adds value to the town, county and residents; the property is zoned appropriately with no variances needed. She asked for the public hearing to close tonight and allow the developers to proceed with the project.

Joe Betro, owner of Otterkill Country Club, stated that this project will lower the tax base, generate revenue and bring jobs. He believes the project should proceed.

Chris McCracken, speaking on behalf of Advanced Testing at 3348 Route 208, stated he supports the project because there is significant need for distribution especially since pandemic when products were hard to get because they are not stored locally; Neelytown Road makes sense due to the proximity to Route 84; there is minimal impact and would help lower the tax base; those types of projects help keep their staff employed and allows their company to grow.

Chris Miele, residing at 238 Sarah Wells Trail, read comments which were then submitted to the Board on November 16, 2020.

Kevin Caplicki, farms at Windfall Farms, 301 Neelytown Road, stated the impacts of the project regarding runoff into the soil needs to be studied and would like to see more creative ideas instead of turning farms into warehouses.

Eileen Purcell, resides at 263 Maybrook Road, stated that she bikes and runs along Neelytown Road and so do the students she coaches for cross country and that the road is not geared for tractor trailers; the Nemith and Heck tradition is farming and hopes that would continue; the noise and traffic is not in the spirit of what Hamptonburgh is; studies are not done to protect future farmers and families.

Josh Strang, resides at 1294 Greenville Turnpike, Port Jervis, Vice-president of Boice Excavating, stated that this project is a perfect example of projects they completed successfully and discussed positive outcomes of working on projects from Engineering Properties; there is treated salt that is environmentally friendly.

Cheryl Mallon, resides at 10 Mallon Lane, stated her concerns with the infrastructure of the road; runs on Neelytown Road and it is too narrow for tractor trailer traffic; tractor trailers have been travelling on Quarry Road.

Ed Maude, resides at 102 Neelytown Road, stated he is concerned with the traffic and lost tractor trailers on Neelytown Road; children cannot safely ride their bicycles nor can he safely walk his dog; the environmental issues brought up are staggering.

Gabe DeSilva, resides at 48 Quarry Road, stated his concern with truck traffic on the roads and described a situation where traffic was detoured to Quarry Road stating that Quarry Road is too narrow for two cars passing; he requested that the school bus pick up son at his driveway and was told by the district that Quarry Road has a 5 ton weight limit and is deemed too dangerous because of the twists and turns.

Matt Decker, Orange County Land Trust, stated that they hold the conservation easement for Windfall Farm and Nemith Farm and his concerns are that the project will directly impact the conservation values of the farms namely agriculture, water including the wetlands and unconfined aquifer, species and character of the community; since there is no defined user for the buildings there is no way to assess the impacts.

Lisa Buon, resides at 155 Neelytown Road, stated she is moving, thanked the neighbors for trying to keep Hamptonburgh safe and also thanked the Board members for listening.

Mary Flannery Climes, resides at 2799 Route 207, stated that she runs on Neelytown Road and commented that the community should protect operating farms.

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

MOTION offered by Mr. Arnold, seconded by Mr. Calogero to continue the public hearing to Thursday, December 3, 2020 at 7:00 p.m. or soon thereafter as the matter can be heard.
Motion carried by all voting in favor.

Jean Lord, Planning Board Secretary