

**HAMPTONBURGH PLANNING BOARD
PUBLIC HEARING**

THURSDAY, DECEMBER 3, 2020

A continuation of Public Hearing was held Thursday, December 3, 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 for consideration of 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 7:25 p.m.

Jay Samuelson, the applicant's representative, presented an update of information submitted to the Board: provided written response to public comments; revised plans addressing Lanc & Tully comments; a commitment from the applicant to improve Neelytown Road ensuring a minimum of 24' width road with double yellow and white fog striping with shoulder for pedestrians and bicycles, additional speed limit signs, hidden view signs and farm crossing signs as requested by the Town; road overlay per applicant's and Town's consultants; replace culvert pipe north of Eager Road; truck noise has been mitigated per Town's noise consultant's requirements.

Chairman McCloud opened the meeting to the public.

Kathy Pitts, resides at 301 Neelytown Road, commented on "factual inconsistencies" regarding Mr. Samuelson's written response: DEC violation notice dated November 13, 2019; letter from Mr. Samuelson dated February 18, 2020 regarding an easement through 150 New Wood to which Mr. Dillin and Mr. McNeilly stated at the March 5, 2020 Planning Board meeting was never requested nor would it be granted; RDM expanded revised Part 3 EAF dated September 16, 2020 regarding road widths. Ms. Pitts is requesting limitations on pesticide spraying and fertilizer on site plans bordering Windfall Farms. The earthen berms with wooden structures for noise mitigation are not depicted on recent plans and inquired what affect those structures will have on stormwater runoff. She noted that deer and woodchuck displacement from construction destroys crops. She stated that residents will experience ongoing daily and nightly negative impacts if the project is approved as it stands.

Emily Svenson, Windfall Farms attorney, summarized her letter dated December 3, 2020.

Kevin Draganchuck, CEA Engineers representing Windfall Farms, summarized his letter dated December 3, 2020.

Steve Peterman, representing 305 Maybrook Road, stated that he is negotiating a 100 year lease on the Nemith farm and is concerned about the types of equipment and materials that will be stored in and

around the warehouses that could jeopardize his product and investment on the farm. He inquired if there will be an escrow by RDM to mitigate the potential damage.

Morse Pitts, resides at 301 Neelytown Road, regarding RDM's comment that there is no way to determine that industrial properties have negative impacts on residential property values stated that the Board should visit the neighbors to Hunter Panels who cannot sell their homes. He inquired if the caretakers of the graveyard have been notified about the road widening that will impact the graveyard. He noted is concern regarding the width of the road and site distance at the graveyard.

MOTION offered by Mr. Campanale, seconded by Mr. Calogero to allow Board members to ask the Town Engineer questions during the public hearing. Motion carried.

Mr. Campanale stated that the SIMCO report in regards to the Provident Traffic Report noted that the NYS Highway Manual requires a minimum 10' each side of the road plus a minimum of 5' of shoulders. If anticipating significant truck traffic or agriculture area that the road should be widened to 12' with 5' shoulders. The conclusion that was offered is that 24' is acceptable. He inquired if 24' width is acceptable to standards in the NYS Highway Manual for highway design.

Town Engineer Tully stated that the Planning Board retained a traffic consultant to investigate what the design of the road should be. The State has recommendations for the road design but they are not requirements. The traffic consultant for the Town and traffic consultant for the applicant came up with the design of 24' pavement and 2' shoulders as being adequate. He stated he will pass along Mr. Campanale's comment to the traffic consultant.

Mr. Campanale inquired if the chipped tar and grass considered the 2' shoulder.

Town Engineer Tully stated that the shoulder will be constructed in the future. The 12' lanes will be asphalt and the 2' shoulders will probably be gravel or stone surface, it will not be grass.

Town Engineer Russo stated that the consultants were recommending two 10' lanes and two 2' wide shoulders with the entire 24' width paved.

Mr. Campanale noted that the average traffic trailer is 8 ½' wide giving 18" if they are hugging the side, it does not seem doable. Also in their traffic study there is a picture, page 5 photo #6, that shows a tractor trailer in the middle of the road because there is no hugging the side in the grass, the trucks would turn over.

Town Engineer Tully stated he will consult the traffic consultant on those concerns.

Richard Hagopian, resides at 239 Maybrook Road, stated that in regards to the road width the Town should take in consideration the liability if widening the road is just not enough and it results in accidents and death. He stated that there is the discussion about 12' wide lanes but inquired how is that taken into consideration on the sharp turns where Eager Road is – is that based on straight-a-ways or is that something that will require a little more widening? The busses get very close around the turns so the lengths of the trailers are going to be an issue around those turns. In a lot of locations where there are big trucks entering traffic there is an area designated on their property to allow trucks to merge and

enter the main lane, the overall design of this project has the trucks pulling directly out into traffic. The back berm with the fencing should have three rows of trees to block the view.

Ed Maude, resides 102 Neelytown Road, stated that the downstream effects the truck traffic and employee traffic will have to the residential area have not been addressed. He does not believe it fits the aesthetics and puts a real damper on Windfall and Nemith farm with serious safety and long term environmental issues.

Eileen Purcell, resides at 263 Maybrook Road, requested the Board hold this project up to at least seeking to support agricultural concerns.

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

Jean Lord, Planning Board Secretary