

TOWN OF ERWIN PLANNING BOARD MEETING

MONDAY, JANUARY 5, 2015

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

Present: Chairman Wayne Kennedy, James McCarthy, Ted Metarko, John Gargano, Patricia Thiel, Matt Maslyn

Absent: Doug Cole, Doug Porter

Guests: Betsy Farmer, David Dalrymple, Thomas Stout, Robert Drew, Doug Wicks, Barb Lucas

**CHAIRMAN WAYNE KENNEDY OPENS THE MEETING AT 7:00 PM.**

In accordance with the Planning Board's established procedure, the Board will hear all matters up until 9 PM. Any matters not completed by that time will be held over to the next regular meeting. As is the usual practice, the Board's consultants have met with the applicants prior to this meeting and have gone over the applications to ensure that they are as complete as possible and to point out any errors or omissions that can delay approval.

**THE MINUTES OF THE DECEMBER 1, 2014 MEETING WERE APPROVED BY UNANIMOUS CONSENT.**

**1. SITE PLAN AMENDMENT APPLICATION FROM DALRYMPLE GRAVEL & CONTRACTING CO., INC. TO CHANGE OPERATING HOURS FOR THE DREDGE OPERATION AT THE 9158 SMITH HILL RD TO 5:00 AM to 1:00 AM.**

**POINTS TO CONSIDER:**

The project is located in an RD Rural District zone.

The applicant seeks to change the hours for the dredge operation within the site from the currently approved 7:00 AM – 8:00 PM to the proposed 5:00 AM – 1:00 AM. The hours of operation were established as a mitigation for noise.

The Site Plan for this gravel pit was first considered at a March 6, 2000 Planning Board meeting, continued to a March 13, 2000 meeting, and final approval was granted on October 6, 2003.

The concerns regarding noise were considered at the March 2000 and October 2003 meetings. In regard to noise, the Planning Board specifically required NYSDEC to consider "Noise Pollution" and "Quality of Life" in their SEQR review. In addition, the Planning Board's formal comments to NYSDEC in regard to noise requested:

- The establishment of a "No Jake Brake" zone from Curtis-Coopers Road to Route 415
- Utilization of "SMART" back-up beepers so that the alarm is the minimum decibels above ambient sound as required by EPA and so that the NYS Environmental Noise Standard is met
- Hours of operation 7:00 AM to 8:00 PM Monday through Friday, maintenance which is not visible beyond the property line can occur through 11:30 PM; Saturday hours 9:00 AM – 5:00 PM and 3 hours indoor maintenance

At the final approval of the Site Plan on October 6, 2003, the Planning Board accepted NYSEDC findings as they related to noise and quality of life issues. The Planning Board also imposed the "no jake brake" and hours of operations as mitigation measures. Hours of Operation was further defined as "unlocking the access to the site, starting up equipment within the site, and making the site available to customers".

The proposed change in Dredge Operations will allow the applicant to increase the cost effectiveness of the dredge operations and run two shifts to dredge.

The applicant's report states that the dredging operation is different than existed at the time of the Site Plan

approval. The report contains a Sound Level Impact Assessment Report by an independent environmental engineering and consulting company. This Report demonstrates that the sound level increase from the proposed change in dredge operation hours will be minimal and consistent with NYSDEC guidelines and the Town of Erwin Noise Ordinance, which is the most restrictive.

The applicant's report also includes information on the Visual Impact of the proposed change.

Betsy Farmer, PE, of Dalrymple Gravel presented the application. David Dalrymple was present.

Engineer Farmer noted that Dalrymple gravel requests a change in the operating hours at the Erwin facility to allow the flexibility to run a double shift when necessary. Operations at the facility have changed significantly from the original permitted operation. The current operation is limited to an electric dredge and conveyor operation which is much quieter than the diesel dragline it replaced. The operation runs one truck, in a forward-only route, eliminating noise due to vehicle backup warnings. There have been no complaints in four years of operation.

Dalrymple is not intending to increase the total annual tonnage or increase the number of trucks. The increased flexibility is needed to ensure a consistent flow and level of stock.

Member Thiel asked if the dredge operation was less efficient than the dragline necessitating increased hours.

Engineer Farmer noted that the dredge operation is more efficient than the dragline, but more sensitive to the weather. As specialized equipment, any repairs to the dredge, can result in longer down time, requiring flexibility to run longer hours to replace the stockpile.

Member Thiel asked if there would be truck traffic at 1:00AM.

It was noted that there would be one truck running approximately 6 trips/hour on a route between the Erwin facility and the Campbell facility. The route is on a road internal to Dalrymple property. The sound of the truck was included in the sound study presented to the Board.

Robert Drew, PE, engineer for the Town, had no questions or concerns, and noted that the sound study presented was well done and indicated the operation meets all sound criteria.

**THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.**

**PLANNING BOARD REVIEWS THE EAF:**

**ENVIRONMENTAL ASSESSMENT FORM (EAF) – Part 2 – Impact Assessment**

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|--|----|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?  | NO |
| 2. Will the proposed action result in a change in use or intensity of use of land?   | NO |
| 3. Will the proposed action impair the character or quality of the existing community?   | NO |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | NO |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?            | NO |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | NO |
| 7. Will the proposed action impact existing:   |    |
| a. public / private water supplies?  | NO |
| b. public / private wastewater treatment utilities?  | NO |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | NO |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | NO |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?  | NO |
| 11. Will the proposed action create a hazard to environmental resources or human health?   | NO |

**THE PLANNING BOARD DECLARES ITSELF LEAD AGENCY AND MAKES AND PROPERLY FILES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.**

**MOTION BY: JAMES McCARTHY  
DISPOSITION: 6-0**

**SECONDED BY: JOHN GARGANO**

**CHAIRMAN KENNEDY OPENS THE PUBLIC HEARING AT 7:10PM.**

David Dalrymple noted for the record that use of the dredge operation is far more efficient than the original diesel operation and the carbon footprint has been reduced by 25% by removing diesel.

**CHAIRMAN KENNEDY CLOSSES THE PUBLIC HEARING AT 7:11.**

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN AMENDMENT.**

**MOTION BY: PATRICIA THIEL  
DISPOSITION: 6-0**

**SECONDED BY: TED METARKO**

**2. SITE PLAN AMENDMENT APPLICATION FROM CORNING INCORPORATED FOR AN 860 SQ FT ADDITION AND GENERATOR AT 9676 LYNN MORSE DR (FORMER PHOTONICS). WITH PUBLIC HEARING.**

**POINTS TO CONSIDER:**

The project is located in an I-1 Industrial zone.

The applicant seeks to place a modular 43' X 20' equipment building with a 24'X 9' generator behind the ZV building (formerly Photonics).

The building will be generally unoccupied except for short period of time while employees access the equipment. The generator will have a sound attenuation enclosure. There will be a wall-pack light over the 2 exits to the equipment building. The HVAC is roof top, which will not be visible from the road since this is located behind the building. The rear of the building faces a private road.

This will affect approx .09 acres of the 69.9 acre site.

Member Matt Maslyn recused himself from proceedings for this application.

Tom Stout, Supervisor of Construction for Corning Sullivan Park, presented the application. He noted that Corning Inc. requests a site plan amendment for the addition of a modular computer room and associated electrical generator to be installed in the shipping and receiving yard behind the former photonics plant. The addition would be a prefab building set on a concrete pad. The addition would not be staffed and would be open to persons for service only. The 760 KW natural gas generator would be for emergency only.

Engineer Drew asked whether sound protection was provided for the emergency generator and it was noted that the plan provided for sound controlled at 78 decibels at 7 meters.

Asked if the parking requirements were affected, it was noted that with no permanent staff, there was no change to the parking.

Regarding lighting over the entrances, no cut sheets were provided, however it was noted that the lights would be low wattage, directed toward the ground, far from the road and not visible outside the property.

Regarding HVAC, it was noted that the unit would be on the roof and not visible from the road.

**THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.**

**PLANNING BOARD REVIEWS THE EAF:**

**ENVIRONMENTAL ASSESSMENT FORM (EAF) – Part 2 – Impact Assessment**

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|--|----|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?  | NO |
| 2. Will the proposed action result in a change in use or intensity of use of land?   | NO |
| 3. Will the proposed action impair the character or quality of the existing community?   | NO |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | NO |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?            | NO |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | NO |
| 7. Will the proposed action impact existing:   |    |
| a. public / private water supplies?  | NO |
| b. public / private wastewater treatment utilities?  | NO |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | NO |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | NO |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?  | NO |
| 11. Will the proposed action create a hazard to environmental resources or human health?   | NO |

**THE PLANNING BOARD CLASSIFIES THIS AS AN UNLISTED ACTION BECAUSE IT IS A NONRESIDENTIAL DEVELOPMENT DISTURBING LESS THAN TEN ACRES, DECLARES ITSELF LEAD AGENCY AND MAKES AND PROPERLY FILES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.**

**MOTION BY: PATRICIA THIEL**

**SECONDED BY: JOHN GARGANO**

**DISPOSITION: 5-0-1 (Matt Maslyn recused.)**

**CHAIRMAN KENNEDY OPENS THE PUBLIC HEARING AT 7:20 PM.**

**NO ONE FROM THE PUBLIC WISHING TO BE HEARD, CHAIRMAN KENNEDY CLOSSES THE PUBLIC HEARING AT 7:21 PM.**

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN AMENDMENT.**

**MOTION BY: TED METARKO**

**SECONDED BY: JAMES McCARTHY**

**DISPOSITION: 5-0-1**

**RESOLUTION TO ADJOURN THE MEETING at 7:22 PM.**

**MOTION BY: JAMES McCARTHY**

**SECONDED BY: PATRICIA THIEL**

**DISPOSITION: 6-0**