

TOWN OF ERWIN PLANNING BOARD MEETING

MONDAY, DECEMBER 1, 2014

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

Present: Chairman Wayne Kennedy, Doug Cole, Doug Porter, James McCarthy, Ted Metarko,
John Gargano

Absent: Patricia Thiel, Matt Maslyn

Guests: Tom Dobrydney, Paul Mattison, Betsy Farmer, David Dalrymple, Frank Curreri, Robert Drew,
Rita McCarthy, 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.

MOTION TO APPROVE THE MINUTES OF THE OCTOBER 6, 2014 MEETING.

MOTION BY: DOUG PORTER

SECONDED BY: JOHN GARGANO

DISPOSITION: 6-0

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 the Erwin facility currently uses an electric dredge, which replaced the dragline equipment in use when Dalrymple was originally permitted. Use of the dredge machine, in combination with an electric, floating conveyor, and forward-only truck movement, has significantly reduced noise of the operation. It was noted that the scope of operations has also been reduced. The Erwin facility is only used for dredging. All other operations are done at their Town of Campbell facility. Results of a comprehensive sound study of the Erwin operations were presented. The noise levels were documented to be within compliance. Operations from 7 AM to 10 PM resulted in a 5 decibel increase in sound level and operations from 10 PM to 7 AM resulted in a 3 decibel increase. Photos documenting lights of operation at night were also presented.

Engineer Farmer noted that the primary reason for seeking increased hours of operation for dredging was to improve cost effectiveness. The dredge machine is specialty equipment and repairs can result in longer than average down times, necessitating stockpiling to have enough material available at all times. The current hours of operation, from 7:00 AM – 8:00 PM, are not long enough to accommodate two shifts. Dalrymple would like the flexibility of being allowed to run two shifts, if necessary, to maintain adequate inventory at all times. They do not plan on increasing production.

Responding to the question of whether there would be increased hours of operation on weekends, Engineer Farmer noted that there would be increased hours on Saturdays, not Sundays, if necessary to make up for down time.

In response to whether there have been any complaints about Dalrymple Gravel operations, Rita McCarthy, Town Manager, noted that occasional complaints regarding gravel trucks, have been dealt with effectively by calling the scale house.

Asked when the dredge machine was installed, Mr. Dalrymple noted that it has been in operation for 5 to 6 years.

In response to Member McCarthy's concerns about noise and light bothering neighbors, Town Manager McCarthy noted that she had personally stood on the pedestrian walkway of the railroad bridge and found the noise and light level to be negligible. Member Gargano, residing near the gravel yard, said he hears very little noise during operations and no backup beeps from haul trucks (due to forward-only nature of truck movements).

Mr. Dalrymple noted that the sound study presented was very thorough and completed by professionals at a cost of approximately \$20000.00. The seasonal nature of the dredge operation makes it desirable to have the flexibility of increased hours during the non-freeze months.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE INCOMPLETE.

BASED ON THE EAF, THE PLANNING BOARD CLASSIFIES THIS AS AN UNLISTED ACTION BECAUSE IT IS A NONRESIDENTIAL DEVELOPMENT DISTURBING LESS THAN TEN ACRES, AND DECLARES ITS INTENT TO BECOME LEAD AGENCY.

**MOTION BY: DOUG PORTER
DISPOSITION: 6-0**

SECONDED BY: TED METARKO

2. SITE PLAN AMENDMENT APPLICATION FROM VICTORY HIGHWAY WESLEYAN CHURCH FOR A 5,700 SQ FT ADDITION AT 150 VICTORY HIGHWAY. WITH PUBLIC HEARING.

POINTS TO CONSIDER:

The project is located in an M-U Multi-Use zone.

The applicant seeks to construct a 5,700 sq ft addition on the back of the eastern wing. The project also includes a new drop-off area and new dumpster location.

The drop off area will eliminate 6 parking spaces and 2 handicap spaces. On April 1, 2013, a Site Plan amendment was approved to expand the parking lot on the north and west sides of the property to create 140 new spaces and 8 new handicap spaces.

This will affect approx .5 acres of the 18.9 acre site.

An elevation drawing has been provided.

| Criteria: | Required: | Proposed: |
|------------------|------------------|---------------------------|
| Setbacks | | |
| Side | 10' | 80' |
| Rear | 10' | 280' |
| Parking | 190 | 552 |
| HDCP Parking | 9 | 22 |
| Lot coverage | 75% max | ?????????? (previous 43%) |

Elements required for completion:

- Response to Engineering comments
- Fire Chief sign-off

Tom Dobrydney of Fagan Engineers presented the application. Paul Mattison represented the Victory Highway Wesleyan Church (VHWC). VHWC would like to expand their building by 5700 sf, create a drop off area for students and relocate the dumpster enclosure. The expansion is one portion of the master plan presented in 2013. Engineer Dobrydney noted that the parking may not be done at the same time as the building construction, but would be completed shortly thereafter. The parking will be elevated 6" based on the flood plain. It was also noted that storm water calculations and utilities would be added to drawings and that storm water calculations were based on previous data.

Answering questions from the Board, Engineer Dobrydney, noted that the plan includes a total of 560 parking spaces, 24 handicapped. Seven additional handicapped spaces will be added in the next phase of the master plan for a total of 31.

Regarding the water and sewer, it was noted that the design was based on the fully executed master plan and provides adequate capacity.

