

**TOWN OF GREENFIELD
PLANNING BOARD**

April 24, 2018

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by T. Yasenachak at 7:00 p.m. On roll call, the following members are present: Tonya Yasenachak, John Bokus, Michael Gyarmathy, Stanley Weeks, Robert Roeckle and Karla Conway, Alternate. Nathan Duffney and Charlie Dake are absent. Gerry McKenna Building Inspector/Codes Administrator is present. Charlie Baker, Town Engineer, is present. Mark Shachner is present the Town Attorney.

MINUTES – March 27, 2018

MOTION: S. Weeks

SECOND: J. Bokus

RESOLVED that the Planning Board waives the reading of and approves the minutes of March 27, 2018 as submitted.

VOTE: Ayes: Bokus, Conway, Gyarmathy, Roeckle, Weeks, And Yasenachak

Noes: None

Absent: Dake, Duffney

MINUTES – April 10, 2018

Minutes will be reviewed at the next meeting.

Stewart's Shop's Case #611

TM# 164.-1-44

Site Plan Review

461 Rt. 9N

John Barnes and John Moran are present representing Stewart's. T. Yasenachak asks Stewart's representative to review the information that they submitted. J. Barnes states at the March 27, 2018 meeting that they listened to the public's and the Board's comments and concerns. At the conclusion of the meeting Stewart's asked the Board what they wanted the applicant to do next. They heard that noise continues to be the biggest concern and they should hire a sound expert to see what could be done regarding the noise generated from their facility. They will not have an answer for all the sound issues today but in the future they hope to. Being a company that deals with facts, they felt that it would be prudent to start off with a base line to the noise study of the facility and surrounding property lines. That study was conducted over a period of several days and they presented the results of that to the Building Department on April 10, 2018. Along with the study they generated a few other submissions such as elevation drawings. The berm was created on the northern end of the property. The rendering really gives perspective as to how that berm will serve as an asset to the applicant. They also hired MJ Engineering to create a landscaping plan that would address some of the visual concerns particularly on Locust Grove Road. To further help the cause they are also replacing 200' of 5.6' tall

cedar stockade fencing between their property and a neighbor's with an 8' fence. Lastly, they intend on replacing all of their truck backup alarms with a self-regulating white noise feature. With all of that said, they respectfully request that at the conclusion of this meeting the Public Hearing be closed, the application be deemed complete and the Board makes a SEQRA determination. T. Yasenchak asks if the new fence that they will be installing a new fence is that for the neighbors more to the South. J. Barnes states that is correct. T. Yasenchak asks how that the decibel readings located on the map align with when the trucks are being staged and moved. The trucks don't necessarily, at 10:00 p.m. They leave very early in the morning. How does it line up with the trucks coming from the warehouse, not necessarily the employee's traffic? J. Barnes states that the first round of truck loading begins in the late afternoon. The grocery items are not loaded until 1:00 p.m. They start staging their trucks in the late afternoon and early evening they start loading the first of their trucks. They are literally moving trucks from 6 p.m. to 2:00 a.m. Then there is a lull and when the first round of trucks comes back they have a second round of the same. T. Yasenchak asks what time is that. J. Barnes states that the second round of trucks go out around 5:00 a.m. until 9:00 a.m. T. Yasenchak asks what time are they being staged? J. Barnes states concurrently. If it is a three temperature truck it will start off at the dry loading dock, then the freezer loading dock and lastly the cooler loading dock. Not all trucks are double run, most trucks are. The first set of activity really runs until at least 2:00 a.m. T. Yasenchak asks if that is just getting them staged. J. Barnes states correct then at 2:00 a.m. they are heading out. S. Weeks asks if the decibel numbers that are listed are the highest decibel reading during that time period? J. Barnes states they are decibel readings and were taken at each location over three periods of time. If they stood there for ten minutes it is the highest reading. They are all the highest readings. S. Weeks states that it is very helpful. R. Roeckle asks was there any discussion of how the new addition would impact what was there. Did MJ Engineering look into that at all? In past meetings the Board mentioned. J. Barnes states that was brought up as a concern to him. Someone here said it quite well in the past and the fact that the building is going to extend further east than the existing will actually help muffle some of the sound that is coming from the north side. The new warehouse addition will be higher than any truck. T. Yasenchak asks R. Roeckle if he is asking if there was anything from MJ Engineering like a statement. R. Roeckle states yes. J. Barnes states that the decibel levels speak for themselves. He believes that he included in the packet the relativity of those numbers. S. Weeks asks if the final finished elevation is 354.7 and then the top of the bank. J. Barnes states 354.7' and add 16'. M. Gyarmathy thanks J. Barnes for all of the information. S. Weeks asks if the picture that shows the trees is additional to what was on the original map depicting what was going to be planted? J. Barnes states yes, it is the only thing that is going to be planted. S. Weeks states on the original map there were considerably more. J. Barnes states the original map at the very first meeting where we discussed the concepts. T. Yasenchak reopens the Public Hearing at 7:11 p.m. and asks if anyone from the public is here to speak about any new information that has been brought and asks that they be as concise as possible. Patricia of Locust Grove Road is curious about the methodology that was used by the engineer to get the decibel levels. At the last meeting there were two concerns about noise. She is grateful for the change in backup alarms, it has made a big difference. One issue with the backup alarms which is a loud noise that can be heard all hours of the night has changed. There is another kind of noise that a lot of neighbors surrounding this property are having to deal with and that is a low hum. It coming from the condensers and compressors on the top of the building which will get worse with the addition of this new complex. She has done investigating on how people analyze the low hum that many people here have complained about. It seems that there are different measures and different kinds of recordings that are taken for that purpose. What wave lengths were measured? Whether or not the instruments were appropriately off the ground because the ground would muffle if they were placed on the ground. They should be one to two meters above the ground and recording instruments should have been going for some period of time. The best data comes from airports and this isn't an airport noise. The impact of this low hum

pollution and the perception of people and the levels of those decibels are troublesome. Jim Van Dyk, Daniels Road the first thing he would like to discuss is the downstream ditch analysis. After the rains of April 14th and 15th the water was extraordinary high by 3 Locust Grove Road. MJ Engineering and Stewart's have assured the neighbors that they have nothing to worry about because the existing ditch has a capacity of 87 to 113 cubic feet per second. The downstream ditch analysis that was submitted February 13, 2018 further states that the 100 year flow would only be 69 cubic feet per second. There is a 20" single wall culvert, which at 1% pitch has a flow capacity at 9.071 cubic feet per second. The flow from the wet pond yearly high is 14.5' cubic feet per second. The culvert is capable of handling 9' per second. That does not include the current condition of the culvert which is collapsed on one end and filled with debris on the other end. The City of Saratoga recently deepened the ditch which exacerbates its danger. In its current condition, it is causing the road way to collapse. At the last meeting, the Town Engineer stated that the SWPPP was in compliance. A SWPPP is required for both the construction of the building and for the plant post construction. While design of the SWPPP is sufficient for the building post construction. The construction site is not a storm water hot spot, but the Stewart's plant is. Stewart's only wants to plant sixteen (16) trees. The six (6) white pine that are recommended for the retention pond screening is ill advised. White pine does not offer much in the way of screening. He recommends hemlock. On the other side of Milky Way, sugar maple trees are a good start, but they offer no shielding late fall, winter, or spring. If they are looking to hide Stewart's mountain, they should offer some buffer for that noise. This whole berm needs to be planted with trees. Regarding the elevation drawing that was submitted by Stewart's, it is inaccurate. As he understands there is a road and a ditch at the back of the building. It shows only 24' 103/8" exposed. It is actually going to be 40' tall. The drawing still shows the three (3) outward facing high pressure sodium lamps. Outward facing lights are a big issue in their neighborhood with the plant as it exists and with the addition. The noise study is an incredibly complex ordeal. NYS Department of Environmental Conservation's manual assessing and mitigating noise impacts, which is their manual for SEQRA when they are the lead agency. The study that was done by MJ Engineering lists only times and decibels. It has parameters for placement. Lower placement equals lower decibels. The study offers no data log. A study should include pitch of frequency. Ken Parmele, Locust Grove Road asks is the berm that they are referring to the one that is already there or is it a new one? T. Yasenchak states no, it is the existing berm. When Stewart's cuts out the existing bank to put in their new addition, there will be sort of a berm created with that cut. K. Parmele is concerned about the noise and he is not sure if the blue building is going to shield the sound enough. He hopes that Stewart's will add another berm or a wall to help with the noise. Jeffery Brown, Locust Grove Road states his concerns are noise, lighting, improving the visual appearance of the warehouse, reducing the fire lane traffic on Milky Way, reducing the litter, and water. Marion O'Keefe of Daniels Road is concerned about the water quality. The Greenfield Environmental Committee recommended that an expert water analysis be consulted on the surrounding aquifer. The residents beyond those that their properties immediately adjoin should be consulted about the possible effects of development of their common watershed, view shed, and sound shed. The cutting in and the removal of 30,000 yards of soil for Stewart's expansion is a significant expansion to the environment. K. Wadsworth of Locust Grove Road states that the concerns that the neighbors have expressed are lived experiences. Not one of them have presented a concern that has any motivation to protect their quality of life, their property value, or the safety of the natural resources that they all depend on. At the last meeting J. Barnes informed us that Stewart's is zoned as an industrial use. The neighbors know that. It has impact on the neighbors. She appreciates that Stewart's has made the effort to mitigate the backup alarms and the lights on the new building. She does not think that the cedar fence provides any sound protection for the neighbors. K. Wadsworth has a half of mile from her property to the Stewart's plant and them still hears the low hum. Planting more trees will not help. She is asking that the Planning Board deny this application until Stewart's addresses the stated concerns of the neighbors regarding

sound, light, water, and traffic. She would also like the Planning Board to take the recommendation of the Environmental Committee. Paul Bouchard, Denton Road is concerned about the aquifer and that the quality of water be preserved. K. Parmele is asking the Planning Board for sound barrier/berm stipulation. T. Yasenchak asks the Board if they want close or adjourn the Public Hearing. S. Weeks and K. Conway state that they feel it should be closed. R. Roeckle, M. Gyarmathy, J. Bokus, and T. Yasenchak feel it should be adjourned. M. Schachner states that the Board is not adjourning the Public Hearing it will be continued. T. Yasenchak states that the Board is not counting the Public Hearing this evening but, there may be a time when the Board may reopen the Public Hearing and continue discussion at another meeting. S. Weeks there were a number of trees planted along the berm and they are no longer there in the proposal. J. Barnes states that the berm is 40' high and it doesn't provide sound or visual barriers. They never intended to plant them. R. Roeckle asks if the Board has a final Site Plan with the lighting and the trees. T. Yasenchak states that the Board does not have an updated site plan. They have the landscaping plan, does not believe that Stewart's has provided a Site Plan with the revisions that the Board has requested. J. Barnes states that the Site Plan that the Board has now is the most updated Site Plan. All the Board has is an 11x17. R. Roeckle states that the Board has amendments and not an amended Site Plan. J. Barnes asks is there anything that the Board would like to see other than the trees on the amended Site Plan. T. Yasenchak states that the Board does not have the notations about the lighting, they did give us information but it was in a packet. It needs to be somewhere on the Plan. As it goes forward and it actually gets built there is something to reference. The Town has Site Plan requirements that need to be shown on the Site Plan. J. Barnes states they are not going for their Building Permit at this time. T. Yasenchak states correct. There is a list of Site Plan requirements that are required to be shown on a final Site Plan. J. Barnes asks just the lights and the trees. T. Yasenchak states that would be part of it, a landscaping plan. J. Barnes states that they have the landscaping plan on there. T. Yasenchak states that yes they have given the Board a landscaping plan it would normally be more than one page. There is a page that shows the lay out, a page that shows grading, future grading, and drainage. J. Barnes states that they are zoned industrial, they are not asking for a variance. The Board is asking for the Site Plan to be complete according to the Town's regulations. There is a list of items that needs to be on Site Plan. They are in our Code. It all needs to be in a final drawing. J. Barnes feels after five (5) meetings and hearing that it is incomplete it would have been nice to know this earlier perhaps at the workshop meeting. T. Yasenchak states that the Board has asked for additional information. They could have been giving the Board revised drawings all along. It does not preclude the Board from reviewing SEQRA. Before they actually acted on the Site Plan it would be important to have it all together. J. Bokus states that the noise has been brought up repeatedly did the original berm help with the noise. J. Barnes states that the siting of the building helps acts as a berm as well and that is why the berm ends where it does. M. Gyarmathy is wondering if there is another source for isolating the noise. J. Barnes states the noise is general activities. Obviously they have refer units. M. Gyarmathy states they have said that they have been updated. J. Barnes states they have and continue to be. M. Gyarmathy asks if there is a refrigerator unit in the building that could be contributing to it. Is there something they can put around it to detonate it. J. Barnes states the only condenser that they have that is working strictly as a condenser directs air straight up. They took that into account when they designed the building. It would have been less expensive to push the air in one direction or another. Regardless of what direction they pushed it in someone wouldn't be happy. M. Gyarmathy asks that is the only thing outside? J. Barnes states the dairy cooler has five (5) condensers on the roof which are probably two (2) to five (5) ton in capacity. M. Gyarmathy asks the actual refrigerators/compressors are inside the building? J. Barnes states all the compressors and all the **warming compressors** are inside the building. There are compressors on the roof of the cooler. There are five (5) of those. Those are quieter than a refer. T. Yasenchak states that she was disappointed about the sound study. The Board mentioned if there was anything else that could be done to deaden

the sound. She is not convinced that is when the most noise is generated. The Board did ask if there could be something done with the exterior cladding of the building to help deaden the noise. That was not addressed. J. Barnes states that they created a base line. They wanted to know what is factual and where is not factual. This study shows that the noise levels are moderate and below. Jamie Easton of MJ Engineering is present. J. Easton explains the process of the noise study he performed. They took a sound meter and typically they hold it waist high, about 3' off the ground to get the sound readings. When sound readings are taken there is a peak meter that goes on. Over time you are holding something in your hand not much bigger than an iPhone. There is a main level and a max level. It holds the max level on the side as the readings go up and down. That's the value that was shown on the plan. That's all they did. In regards to the noise study, as one woman mentioned about trees, typically trees are not good as sound deadening devices. That is a fact. Noise walls made of concrete are or earth berms are the two measures that engineers employ to deaden sound. Typically a noise wall needs to be in the range of 18' to 22' tall to deaden the noise. They walked around the site and got the decibel readings. The existing blue building, if you look at the decibel readings from one side to the other you will notice there is a drop from approximately ten (10) decibels. That is a 20' high building, is right in the range between 18'-22', makes sense that it drops down the noise level on the back side. When you walk to the back of the building it is 50 decibels. I am actually talking louder than 50 decibels. That can give you some parameters of what is going on. One other thing that was mentioned, what you take it upon the engineer that designed this plan in 2002 for the storm water zone in wetlands, there are no wetlands. The property that J. Van Dyk is referring to, the eastern retention basin, because that property lies in the city of Saratoga. To give the Board some back ground in 2002 Stewart's hired Jamie Easton to design that pond and they also looked at multiple phase of construction for this project. The area that they are looking at now is called phase 4 and that storm water report that he did back in 2002 accounted for this area. The Board also needs to think about when they went through the SEQRA process for all the multiple phases and the approval of that, so they can consider that action basically back then. That did show this phase being built. The wetlands were actually identified. There are no wetlands in that storm water basin area. They designed it per the regulations at the time with DEC. That is how that detention basin was installed. T. Yasenchak asks, because you came up to talk about the sound, is it typical to do a study over a 24 hour period to find when the peak sound is? It was a concern to the neighbors and it seems to her that they don't know when that is. J. Easton states that he went out there multiple times and every time he was there it was busy. He could not tell the Board if it was a peak time or a lull time. Looking at those different factors it seemed to be busy. It seemed to be in normal operation occurring at that time. He cannot attest if it was the peak time or not. T. Yasenchak asks if he has done studies in the past? J. Easton states typically no, that they never take the extreme. For example, we have all been on the Northway at 5:00 p.m. Why is it not 6 lanes wide so everyone can get off the highway? T. Yasenchak states that to continue things along, order you need to average you need to find the high and the low to know during the average times. J. Easton states that he went out there random times, he was out there multiple hours on the site. You assume that you are basically average across that time frame. Could there be peak times, yes could 50 trucks and backup alarms be on absolutely yes. What is the probability of that very low? That is why he said what is going on is this normal operation occurring. That is why they say average decibel reading does occur and we show the peaks. T. Yasenchak asks the peaks of when you were there? J. Easton states correct. T. Yasenchak asks M. Schachner as far as deeming an application complete we don't do that until the Board has reviewed SEQRA correct. M. Schachner states that by deeming the application completeness happens when the company either a SEQRA Negative Declaration or Environmental Impact statement. R. Roeckle asks if the Board is reviewing SEQRA dated March 13, 2018? T. Yasenchak yes. The Board reviews Part 1 of SEQRA and makes revisions. C. Baker asks that going back to the phase question, back in 2003 or 2004 when the Board reviewed the Master Plan, this was included as phase 4 when the Board

reviewed SEQRA and is the Board willing to make any reference to that? M. Schachner states it would not be inappropriate if the Board wants to make reference to that at this time. He thinks that the applicant is saying the newly proposed construction that is being done in phases. He is assuming that is why the applicant has checked no to that question. He does not hear anyone saying otherwise. The Board can make a note that this is a subsequent phase. He does not feel strongly about it. The Board chooses to make a note of it. T. Yasenchak states that Stewart's is continuing to use the existing retention pond, how does the Board answer that question. C. Baker states that he does not believe it fits into it. T. Yasenchak asks C. Baker about Army Corp designation. The pond was put in already, if you could just explain that to the Board. C. Baker states the area that Stewart's is proposing, the 3.88 acres, there are no wetlands in that area. As far as the existing storm water ponds, they were presented, they were approved and permitted by the NY State and they were covered under Storm water General Permit. They were constructed in accordance with the NY State requirements. He is not sure what the question is as far as wetlands. That was done back in 2003. That would have been the time for that question to be asked and answered, and it was because it was ultimately permitted by the state. T. Yasenchak states it just seem like because the actual project is where it is being excavated, where the building is being built and the retention ponds that are there are not being constructed. They are not being modified and the Board has an engineer's report that shows that they are adequate for that volume. Because of that, it is why it would not trigger any wetlands delineation. C. Baker states that there is no construction it was previously proposed. T. Yasenchak states that Stewart's stated their total water usage would be 500 gallons per day and asks what would that be used for? J. Barnes states they will probably have additional restrooms they are not adding anymore employees. Over time they estimate an increase of water. T. Yasenchak states that Stewart's has public water as well. J. Barnes states correct, 80% of their water comes from the city of Saratoga Springs. T. Yasenchak asks 1.4 acres in the actual square footage of the building but they are adding square footage for the area that goes around the building, do they have that number? J. Barnes states that they are eliminating the pavement that is going through there. T. Yasenchak questions it is just being shifted so the impermeable space doesn't increase because of the driveway. J. Barnes states correct. T. Yasenchak asks G. McKenna if there are any licensed day care centers or home day care in that area? G. McKenna states, licensed, no. T. Yasenchak asks C. Baker how the dam get classifies. C. Baker states that there are a number of factors involved and most of them are related to public safety. If there is an imminent threat to failure from downstream properties, there are a number of criteria. He states that he does not know much regarding this but there is number of criteria. T. Yasenchak states that it was there before Stewart's. J. Barnes states the pond is spring fed and it discharges more water per day than they consume. T. Yasenchak asks if it has to be inspected. J. Barnes states not that he is aware of. They do inspect it periodically to inspect it for fire suppression. Tonight Greenfield Fire Department is there doing an inspection to see if there is a fire in the vicinity if they can pull water from it. T. Yasenchak states that Stewart's last visual inspection and the brush cleared in March of 2018. T. Yasenchak asks C. Baker if the Board is looking at the soils in the area of the construction or the entire site? C. Baker states in his mind he is looking at the area of construction. T. Yasenchak asks C. Baker if he has any comments or questions and does he think that is fair with the information that he has reviewed. C. Baker asks if she is referring to the percentages of the drain. T. Yasenchak states yes. C. Baker states that is fair and he would base that on the drawings that were done by the geotech on the embankment. T. Yasenchak asks if that was part of the report that he requested as for the embankment stability? C. Baker states that is correct. T. Yasenchak questions under E2 F, under the approximate proportion site slopes. J. Barnes states the 15% or greater slope refers to the grade. The slope will be greater than 15% at 10% of the site, which would mean the berm. It represents roughly 10% of the area that is going to be excavated out. It will have a slope of greater than 15%. T. Yasenchak states the Board needs the other percentages. C. Baker states no. SEQRA is asking what portion of the site has slopes that are in those

ranges and the applicant is telling the Board. C. Baker states that 90% is 0-10% correct. T. Yassenchak asks if there is a name for their pond. J. Barnes states Perky pond. T. Yassenchak asks C. Baker if there is any classification to the pond. C. Baker states not that he is aware. T. Yassenchak states that C. Baker stated that there are not any wetlands on that property. C. Baker states there is wetlands on the project site but not within the proposed project. T. Yassenchak asks this question is referring to the project site in general because the pond is not part of this action would these be numbered? C. Baker asks the wetlands? no he doesn't believe so. The Board Reviews Part 2 of SEQRA. S. Weeks feels that it will increase any energy use but it is not substantial. T. Yassenchak states no it is not substantial, the Board can change it. All the questions pertaining to this question are no. T. Yassenchak questions whether to or not make a note regarding light on the SEQRA. C. Baker states the Board could on the impacts. The Board could say the Town does not have a noise ordinance, however during Public Hearing's the residents have spoken about the noise coming from Stewart's Plant. K. Conway states that she would not answer something like that. T. Yassenchak states that the Board does not know if it will help or make the situation that exists worse. The building itself isn't creating anymore sound. M. Gyarmathy states the truck traffic is getting closer to the outside properties. S. Weeks states it does help block the noise from the north side. This new building gives you a barrier to the noise. It extends further north. It's more of a block. T. Yassenchak asks what happens on the other side. C. Baker states his suggestion was in order to move forward with part 2 the Board put something in the Part 3 discussion. T. Yassenchak states the Board does not all agree that should be on that line. She feels it should be. S. Weeks states propose something. T. Yassenchak states her statement would be similar to the statement that C. Baker suggested. The Town does not have a noise ordinance and it is unknown how the proposed action will affect the existing sound levels that have been a concern. R. Roeckle states that the noise has been brought up by the neighbors, that the existing facility generates noise. Leave it at that. T. Yassenchak states that the Board checks either "no" to "small" or "moderate" to "large" impact. T. Yassenchak asks R. Roeckle how he would word that. R. Roeckle states, The Town has no noise regulation. At the Public Hearing the noise was brought up as the existing facility is impacting the neighbors. C. Baker states bear in mind, if it is the Boards intent is to discuss it in Part 3 of SEQRA, you have to check "moderate to large". R. Roeckle states if the Board looks at the project and look at that statement based on the proposed project, is it "small to moderate". T. Yassenchak would say moderate because she does not know. She does not think the Board has been given enough information. J. Bokus states he would check the low to small box. M. Gyarmathy states he would have to do that as well because he does not know. T. Yassenchak questions he would say low to small because you don't know. M. Gyarmathy states correct. S. Weeks, and K. Conway state low to small. R. Roeckle states he does not feel it will increase the noise but there is an existing noise. K. Conway agrees and states that the Board is answering a question that is not being asked. It says the proposed action. C. Baker was wondering that as well. T. Yassenchak states that the Board can have a Board member write up a statement for the Board to review and make a determination at the next Board meeting. T. Yassenchak states that will need to be addressed in a declaration. R. Roeckle states that whether it is mitigating or not. T. Yassenchak states that as far as Part 3 of SEQRA goes, the Board identifies the impact based on Part 2 of SEQRA responses, they describe the magnitude because of the severity, size or extent of an impact. Reassess the importance of the impact. Importance relates to the geographic scope, duration probability of the impact occurring, the number of people effected by the impact and any additional environmental consequences if the impact were to occur. The assessment should take into consideration any design element or product changes. Then the Board repeats that process for any item that the Board has identified as moderate to large. M. Gyarmathy asks if someone is disturbing over an acre of land, is there a NY State agency that oversees that permitting process? T. Yassenchak states there is. M. Gyarmathy states that is how that would be mitigated. T. Yassenchak states there is a notice of intent that is filed. C. Baker states that disturbance triggers the applicant to file under storm water general

permit. In order to obtain coverage under storm water general permit, they have to first file a notice of intent with the State Department of Environmental Conservation. DEC reviews their application, and in this case they have reviewed the storm water report as well as the SWPPP. C. Baker states he has been in close contact with two (2) DEC Officials issuing the permit. They are familiar with the project. Before the applicant can start any work on the site they have to have coverage under that general permit. They have to have an inspector on site during construction to observe that they are in compliance with the SWPPP for the duration of the removal of the material until the embankment is stabilized. At that point they file a notice of termination and it gets canceled out, the coverage under the general permit gets canceled out. Then they are free to operate. The whole process of the material being removed from the site would be under the general permit and monitored by the professional hired by Stewart's who has to maintain weekly reports to the Town and they have to have copies on site. It's all part of the general permit. M. Gyarmathy asks if they have to provide those reports to DEC to terminate the permit as well. C. Baker states correct. M. Gyarmathy questions that is covered through DEC? C. Baker states to answer your question the removal of the material will be closely monitored by Stewart's professional as well as the geotechnical engineer who is advising them and he has to be on site as well. There is a reporting process under the general permit they have to follow. M. Gyarmathy states that is the mitigation. C. Baker states that is true with just about any construction property in NY State as well as most states. It is a rule in the general permit process. S. Weeks asks C. Baker if the Board is correct in checking the moderate to large impact. C. Baker states that it is in the Board's prerule, if the Board is concerned they can check it. S. Weeks states he does not have a problem with that. T. Yasenachak states the next step would be for the Negative Declaration to be written and if they can get the summary from C. Baker to include with that. The Board has different declarations that they have used in the past. R. Roeckle states if C. Baker gets him the information he will draw up a Negative Declaration. C. Baker asks what you are looking for as a summary. R. Roeckle states a summary of what you just gave. R. Roeckle asks if he can email it to the Board. T. Yasenachak states that he can send it to the Board but can't make comments. The Board will review it at the meeting. T. Yasenachak states because of that the Board is not voting on SEQRA tonight, but they can definitely do a strong pool of sorts so they know how to delegate the responsibility to R. Roeckle who is writing the declaration because they only checked that one box the other items were all no to small the Board does not have to address those as far as determination of significance. T. Yasenachak reads the instructions of Part 3. Would the Board agree that they would only be looking at number 1 to be addressing the mitigation in the importance because that is the only place they checked the moderate to large box. The Board agrees. It appears that the Board is looking towards a Negative Declaration. They are not voting. T. Yasenachak states that based on what the Board has checked, it would be a Negative Declaration. The Board cannot deem SEQRA complete until the Board actually votes on it. Also, the Board cannot deem it complete until all the revisions have been put on the plan in a concise format that you would normally see for any kind of application. The Town has a list in code under Site Plan Review of all the items required for a Site Plan Review to be deemed complete. It's not saying they need a SUP, it is siting the list of requirements for Site Plan With that does the Board want anything else on the plans that may not have been addressed? The correct landscaping that they are proposing. T. Yasenachak states that she does not feel that they have addressed the noise issue. She does not feel that there is anything on the site plan that would cover possibly mitigating the existing sound. It has been brought up a lot during this process and she feels that it can be done relatively easy. R. Roeckle states that even though the Board has reviewed SEQRA they still would like that addressed. T. Yasenachak states that is why she is bringing it up and states that throughout this process each Board member has mentioned items of concern. M. Gyarmathy states that he does not think that the applicant is taking them into consideration. T. Yasenachak states that if the Board gives the applicant something specific and they came back with a complete application with the details on there that were not addressed, will that affect how the Board

reviews the project moving forward? She feels it is only fair to tell the applicant that is why she mentioned it. There needs to be some additional sound prevention or dampening material on the Site Plan so the Board knows it is not creating an echo effect between the blue building and the new building because both clad with metal, you are going to hear the trucks that you don't hear now. J. Barnes states that you yourself have stated you don't know so you are speculating. T. Yasenachak states that the Board has asked for more information all the Board is getting are points. J. Barnes states that they did give them information. T. Yasenachak states there was not a study and there is no summary. J. Barnes states it was a summary. T. Yasenachak states she does not feel there was a true representation of when the trucks are running and when the trucks are loading. J. Moran asks the Board if they are asking them to do a more formal study? T. Yasenachak states that her concern is if you come back to the Board with some kind of summary and someone would say this is when the peak times are because she does not feel that was addressed. Stewart's stated that when their trucks left, J. Easton was not there during that time. They don't even have studies during the morning hours. They are all in the afternoon after 2:00 p.m. T. Yasenachak does not feel the sound study was done appropriately to give a good basis of what the sound may or may not be. It may be better, but prove it to the Board. J. Moran states the p.m. time is critical. What they have heard from the neighbors is that is when it is the loudest and that is when the trucks and the refers are running. In our opinion that time slot at 10:00 is indicative of the night time. The trucks are backed up and running. All the refers are running. They thought the Board's concerns were in the evening and that is why they did one of the studies then. As far as the new building, it will be a dry warehouse. They will still be loading on the side where the freezer and the cooler are which is what is driving the refers. The majority of those trucks will be dry. No engines running, no refers running. As far as this project adding more noise, he does not feel that it will contribute. He feels that it is the noise everyone hears currently and not any new noise coming from the proposed project. It is a dry warehouse. If the Board is asking them to do a more formal study, he does think there is noise that is very subjective. He does feel that they need to get some facts down and see if it is really an issue or not. They certainly appreciate the Boards time and their input. They want to be good neighbors and they will do what they need to do. Does the Board feel that there needs to be a more formal study done? They do not want to come next month without having something. S. Weeks likes that they got some sound level readings. What he expected was as a result of that they were going to give the Board some ways to alleviate sound other than just saying the sound level is low. What additionally could be done? T. Yasenachak agrees. S. Weeks states that he thought the Board was going to receive some suggestions other than the readings. J. Barnes states that the readings are the readings. If they give the break down of the activities that are going on each hour of the day and compare that to the existing readings would that suffice. They are a 24 hour operation, it always has been and it always will be. This project in and of itself is not contributing to any additional noise. They just reviewed Part 1 and Part 2 of SEQRA. He thinks what the Board is asking them to mitigate is something that, in their view, is not necessarily something that can be mitigated from an operation stand point with this project. Again, they have shown the Board that they will be creating a berm; they have created berms in the past. Site Plan of 2004 included a berm and a building to mitigate anything in the future in that direction. R. Roeckle feels the Board needs information if that is their opinion, then why is that their opinion. Why the Board would be able to move forward, if that is the case. J. Barnes states that it is not practical. R. Roeckle states if it is not practical then tell the Board why it is not practical. If they are able to do it tell the Board why and if it is not practical. That gives the Board information to base a decision on. S. Weeks states if they do some more studies that span out to a 24 hour study that would show the Board more information. T. Yasenachak does not feel it is any different from any other study. J. Barnes states at the end of the day someone is still not going to be happy. T. Yasenachak states what the Board is saying is someone that knows sound and can provide a summary; something that the Board can hang their hats on. M. Gyarmathy states that they would just be completing their documentation. J. Barnes

asks if the Public Hearing is closed. T. Yasenchak states that it is not officially closed. J. Barnes asks why? T. Yasenchak states that it is within the Boards purvue to determine when they want to do that when they deem the application complete. It is also in their purvue to close it at the next meeting.

Meeting adjourned at 10:26 p.m. All members in favor.

Respectfully submitted,

Kimberley McMahon
Planning Board Secretary

DRAFT