

Town of Campbell Planning Board Minutes for Meeting of
January 16, 2019 at 6:00 p.m. At the Campbell Town Hall
8529 Main Street, Campbell, New York

PRESENT: Board Members: Chairman Terry Brethen, Jeffrey Allen, Linda K. Baird, Stanley Manning, Denice Thompson, Alt. Member: Calum Lewis and Planning Board Secretary: Michelle Seeley

ABSENT: None

GUESTS: Robin Smith, Elmer Smith, Dennis Smith, Joe Seeley, Frank Visser, Hans Arnold, Larry Shilling, Jeff Horton, John Tschantre, Daniel Heisey, Frank Potter, Hannah Little Waschezyn, Maryalice Little, Diane Guilfoyl, and Brian Guilfoyl.

Call to Order/ Prior Minutes.

The meeting was called to order at 6 p.m. by Chairman Brethen. The Board noted the prior minutes of November 19, 2019. A motion was made by Linda Baird and seconded by Stanley Manning to accept the said minutes as presented. The motion passed unanimously.

Application #2019-01 Smith Trust for a 4 parcel subdivision.

The next item for review was Application #2019-01 of Elmer Smith for subdivision of a 70.907 -acre parcel at 8584 Vieley Road Campbell NY, located in the Ag Zone. It was brought before the Board and discussed with Elmer Smith (on behalf of The Smith Trust). For this application, it was noted that a Public Hearing notice was printed in The Leader on January 9, 2019, and posted on the Town Clerk's sign board and on the Town's website.

PUBLIC HEARING: At 6:03 p.m. Chairman Brethen declared the public hearing open with regard to application #2019-01 of The Smith Trust. Elmer Smith explained the plan and spoke in favor of the application. There was no one else who wished to speak for or against the application, and the public hearing was declared closed at 6:05 p.m.

SEQR: It was noted that we had previously done a SEQR review for this parcel under application # 2019-01 which resulted in a negative declaration of environmental significance. No further SEQR review is necessary at this time.

It was noted that a motion was offered by Linda Baird as follows: Regarding the Subdivision Application #2019-01, that the Planning Board classifies this as an unlisted action; the Planning Board having reviewed the EAF hereby makes and properly files a negative declaration of environmental significance; that the Planning Board declares the application complete; and having held a public hearing with no comment, and authorizes the Chairman to sign the plat. Applicant is advised that the approval expires if the plat is not filed with the County Clerk within 62 days of signature by

the Chairman. The motion was seconded by Stanley Manning and passed with a unanimous vote.

Application #2019-02 Meads Creek LLC for a 2 parcel subdivision

The next item for review was Application #2019-02 of Meads Creek LLC for subdivision of a 151.035 -acre parcel at Meads Creek Road Campbell NY, located in the Ag Zone. It was brought before the Board and discussed with Daniel Heisey, on behalf of Meads Creek LLC. For this application, it was noted that a Public Hearing notice was printed in The Leader on January 9, 2019, and posted on the Town Clerk's sign board and on the Town's website.

PUBLIC HEARING: At 6:15 p.m. Chairman Brethen declared the public hearing open with regard to application #2019-02 of. Daniel Heisey explained the plan and spoke in favor of the application. There was no one else who wished to speak for or against the application, and the public hearing was declared closed at 6:16 p.m.

SEQR: It was noted that we had previously done a SEQR review for this parcel under application # 2019-02 which resulted in a negative declaration of environmental significance. No further SEQR review is necessary at this time.

It was noted that a motion was offered by Jeffery Allen as follows: Regarding the subdivision Application #2019-02, that the Planning Board classifies this as an unlisted action; the Planning Board having reviewed the EAF hereby makes and properly files a negative declaration of environmental significance; that the Planning Board declares the application complete; and having held a public hearing with no comment, and authorizes the Chairman to sign the plat. Applicant is advised that the approval expires if the plat is not filed with the County Clerk within 62 days of signature by the Chairman. The motion was seconded by Stanley Manning and passed with a unanimous vote.

Site Plan Application #2017-01 of Hakes C&D Disposal Inc

At 6:23 p.m., Chairman Brethen declared that no public hearing was necessary because a joint public hearing with the DEC was held previously on February 13, 2018 at the American Legion Post 1279 in the Town of Campbell.

Note: The Final Supplemental Environmental Impact Statement (FSEIS) provided by the DEC has been filed with the Town Clerk and is available for review to the public in her office by request.

A resolution certifying the application # 2017-01 of Hakes C&D Disposal, Inc., for site plan approval relative to the establishment of a non-residential planned development is complete and was approved by the Planning Board at its

January 17, 2018 meeting. This hearing is only to review the Final Findings Statement to finalize the Planning Board's review and acceptance of the FSEIS and draft Resolutions approving the site development plan and making recommendations for rezoning to the Town Board. The Planning Board further approves the application as submitted with licensing approval provided to the Town by the applicant prior to the start of the proposed expansion of the landfill.

The Following Resolutions were read and voted on by the Board:

RESOLUTION NO 2019-1

TITLE: RESOLUTION AND NOTICE OF ADOPTION OF INVOLVED AGENCY FINDINGS STATEMENT PURSUANT TO SEQRA

OFFERED BY: Denice Thompson, who moved its adoption

SECONDED BY: Stanley Manning

WHEREAS, Hakes C&D Disposal, Inc. ("Hakes") has applied to the Town of Campbell Planning Board ("Board") for site plan approval relative to the establishment of a Non-Residential Planned Development District ("NRPDD") pursuant to Article 9 of the Zoning Law of the Town of Campbell – 2014 (Application 2017-01); and

WHEREAS, the Board met on November 15, 2017, January 17, 2018, March 28, 2018 and September 19, 2018 to consider said application, at which meetings representatives of Hakes spoke on behalf of the application and the Board received comments from the Town's engineering consultant, Gerhardt, LLC, and discussed the proposed NRPDD and site plan and toured the facility; and

WHEREAS, Hakes has submitted to the Board various additional materials relating to the application, including a survey map and description of the proposed NRPDD; and

WHEREAS, concurrently with its application to establish an NRPDD, Hakes is applying to the New York State Department of Environmental Conservation (NYSDEC) for amendments to its operating permits to authorize an expansion of its landfill and accessory uses; and

WHEREAS, NYSDEC declared Hakes' applications as a "Type I" Action under the New York State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law ("ECL") and its implementing regulations, 6 NYCRR Part 617, subject to coordinated review, declared itself to be lead agency for purposes of SEQRA, and required a Supplemental Environmental Impact Statement ("SEIS"); and

WHEREAS, the Board and the Town of Campbell Town Board are "involved agencies" under SEQRA for purposes of this Action; and

WHEREAS, the NYSDEC released a Final SEIS ("FSEIS") on December 5, 2018; and

WHEREAS, in accordance with 6 NYCRR 617.11(a) of the SEQRA regulations, the mandatory ten (10) day period for public consideration of the FSEIS has now lapsed; and

WHEREAS, this Board has conducted a thorough SEQRA review associated with the potential impacts of the proposed expansion and rezoning, including, but not limited to giving full consideration to the Draft SEIS, FSEIS and all supplemental reports and studies pertinent to this action; and

WHEREAS, this Board is now prepared to make decisions as to the application for site plan approval and recommendations to the Town Board relative to the establishment of an NRPDD; now, therefore, be it hereby

RESOLVED, that this Board, having reviewed the DSEIS, the FSEIS, supplemental reports and studies, the Applications for site plan approval and rezoning, and verbal and written comments received from the public, and having undertaken its own independent review of the project and analyzed the potential impacts of the project in light of the applicable criteria, and upon the entire record of the project, hereby adopts the attached “Town of Campbell Planning Board State Environmental Quality Review Act FINDINGS STATEMENT” and authorizes the Planning Board Chair to sign and file the Findings Statement in accordance with 6 NYCRR 617.12(b)(1) and (3) of the SEQRA regulations and to take such further steps as might be necessary to discharge this Board’s Involved Agency responsibilities on this action.

Yes: 5 No: 0

Denice Thompson- Aye, Jeffrey Allen-Aye, Stanley Manning-Aye, Linda Baird-Aye, Terrance Brethen- Aye

Dated: January 16, 2019

Filed: January 17, 2019

RESOLUTION NO 2019- 2

TITLE: RESOLUTION APPROVING SITE PLAN FOR REZONING OF HAKES C&D DISPOSAL, INC. AS A NON-RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

OFFERED BY: Stanley Manning, who moved its adoption

SECONDED BY: Linda Baird

WHEREAS, Hakes C&D Disposal, Inc. (“Hakes”) has applied to the Town of Campbell Planning Board (“Board”) for site plan approval relative to the establishment of a Non-Residential Planned Development District (“NRPDD”) pursuant to Article 9 of the Zoning Law of the Town of Campbell – 2014 (Application 2017-01); and

WHEREAS, the Board met on November 15, 2017, January 17, 2018, March 28, 2018 and September 19, 2018 to consider said application, at which meetings representatives of Hakes spoke on behalf of the application and the

Board received comments from the Town's engineering consultant, Gerhardt, LLC, and discussed the proposed NRPDD and site plan and toured the facility; and

WHEREAS, a duly authorized and noticed public hearing on the application was held on February 13, 2018 at the American Legion, Post 1279, 8459 County Route 333, Campbell, New York; and

WHEREAS, Hakes has submitted to the Board various additional materials relating to the application, including a survey map and description of the proposed NRPDD; and

WHEREAS, concurrently with its application to establish an NRPDD, Hakes is applying to the New York State Department of Environmental Conservation (NYSDEC") for amendments to its operating permits to authorize an expansion of its landfill and accessory uses; and

WHEREAS, NYSDEC declared Hakes' expansion a "Type I" Action under the New York State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law ("ECL") and its implementing regulations, 6 NYCRR Part 617, subject to coordinated review, declared itself to be lead agency for purposes of SEQRA, and required a Supplemental Environmental Impact Statement ("SEIS"); and

WHEREAS, the Board and the Town of Campbell Town Board are "involved agencies" under SEQRA for purposes of this Action; and

WHEREAS, the NYSDEC released a Final SEIS ("FSEIS") on December 5, 2018; and

WHEREAS, in accordance with 6 NYCRR 617.11(a) of the SEQRA regulations, the mandatory ten (10) day period for public consideration of the FSEIS has now lapsed; and

WHEREAS, this Board has conducted a thorough SEQRA review associated with the potential impacts of the proposed expansion and rezoning, including, but not limited to, giving full consideration to the Draft SEIS, public comments, the FSEIS and all supplemental reports and studies pertinent to this action; and

WHEREAS, this Board has completed its review of the potential impacts of the project in accordance with the requirements of SEQRA, and by Resolution dated January 16, 2019, has adopted its Findings Statement and Certification and is now prepared to make its decision as to the application for site plan approval; and

WHEREAS, a referral to the County Planning Board under General Municipal Law section 239-m was not required for this project; and

WHEREAS, this Board has considered and carefully reviewed the requirements of Articles 9 and 10 of the Zoning Law of the Town of Campbell – 2014 relating to site plan review for a NRPDD and has also considered the project in light of the Town's Comprehensive Plan and compliance therewith, now, therefore, be it hereby

RESOLVED, that Hakes C&D Disposal, Inc.'s application for site plan review for the proposed rezoning of specified property as NRPDD and expansion of

construction and demolition debris disposal operations be and hereby is granted and approved, subject to the conditions listed below, and that the Chair of this Board is authorized to endorse this Board's approval of said plan contingent upon compliance by the applicant with such conditions:

Conditions:

1. That the Town of Campbell Town Board amends the Zoning Law of the Town of Campbell – 2014 to establish a NRPDD in accordance with the specifications and plans shown on the final site plan of Hakes C&D Disposal, Inc. on file in the office of the Town Clerk as provided in Section 9.2.4 of the Zoning Law.

Yes 4 No:1

Denice Thompson- Nay, Jeffrey Allen-Aye, Stanley Manning-Aye, Linda Baird-Aye, Terrance Brethen- Aye

Dated: January 16, 2019

Filed: January 17, 2019

Chairman Terrance Brethen gave the board members an opportunity to express their reasons for the way that they voted, it is noted that Denise Thompson gave her reasoning for a Nay vote as; "I just feel that enough is enough, the neighbors were there first and as I was not involved in the planning and development 21-22 years ago".

RESOLUTION NO. 2019-3

TITLE: RESOLUTION RECOMMENDING REZONING OF PROPERTY OWNED BY HAKES C&D DISPOSAL, INC. AS A NON-RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

OFFERED BY: Stanley Manning, who moved its adoption.

SECONDED BY: Jeffrey Allen

WHEREAS, Hakes C&D Disposal, Inc. ("Hakes") has applied to the Town of Campbell Town Board ("Town Board") for rezoning of certain property and establishment of a Non-Residential Planned Development District ("NRPDD") pursuant to Article 9 of the Zoning Law of the Town of Campbell – 2014 ("Zoning Law"); and

WHEREAS, pursuant to Section 9.2 of the Zoning Law (incorporating by reference Section 8.4.3 of the Zoning Law [mistakenly referenced as Section 8.3 in the Zoning Law]) the Town Board has referred the application to this Planning Board ("Board") for its review and recommendation; and

WHEREAS, the Board met on November 15, 2017, January 17, 2018, March 28, 2018 and September 19, 2018 to consider said application, at which meetings representatives of Hakes spoke on behalf of the application and the Board received comments from the Town's engineering consultant, Gerhardt,

LLC, and discussed the proposed NRPDD and site plan and toured the facility; and

WHEREAS, a duly authorized and noticed public hearing on the application was held on February 13, 2018 at the American Legion, Post 1279, 8459 County Route 333, Campbell, New York; and

WHEREAS, Hakes has submitted to the Board various additional materials relating to the application, including a survey map and description of the proposed NRPDD; and

WHEREAS, concurrently with its application to establish an NRPDD, Hakes is applying to the New York State Department of Environmental Conservation (NYSDEC) for amendments to its operating permits to authorize an expansion of its landfill and accessory uses; and

WHEREAS, NYSDEC declared Hakes' applications a "Type I" Action under the New York State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law ("ECL") and its implementing regulations, 6 NYCRR Part 617, subject to coordinated review, declared itself to be lead agency for purposes of SEQRA, and required a Supplemental Environmental Impact Statement ("SEIS"); and

WHEREAS, the Board and the Town of Campbell Town Board are "involved agencies" under SEQRA for purposes of this Action; and

WHEREAS, the NYSDEC released a Final SEIS ("FSEIS") on December 5, 2018; and

WHEREAS, in accordance with 6 NYCRR 617.11(a) of the SEQRA regulations, the mandatory ten (10) day period for public consideration of the FSEIS has now lapsed; and

WHEREAS, this Board has conducted a thorough SEQRA review associated with the potential impacts of the proposed expansion and rezoning, including, but not limited to, giving full consideration to the Draft SEIS, public comments, the FSEIS and all supplemental reports and studies pertinent to this action; and

WHEREAS, this Board has completed its review of the potential impacts of the project in accordance with the requirements of SEQRA, and by Resolution dated January 16, 2019 has adopted its Findings Statement and Certification, and by Resolution dated January 16, 2019 has made its decision approving the site plan; and

WHEREAS, this Board is now prepared to make its recommendation to the Town Board relative to the requested rezoning as NRPDD; and

WHEREAS, this Board has considered and carefully reviewed the requirements of Article 9 of the Zoning Law relating to the establishment of an NRPDD and has also considered the project in light of the Town's Comprehensive Plan and compliance therewith, and

WHEREAS, this Board has considered the need for the proposed use in the proposed location, the existing character of the surrounding neighborhood and the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent property, which are detailed in the FSEIS and discussed in this

Board's Findings Statement, which is hereby incorporated by reference, and in the approved Site Plan on file in the office of the Town Clerk, now, therefore, be it hereby

RESOLVED, that this Board recommends that the Town Board approve an amendment to the Zoning Law to establish an NRPDD as described in Hakes C&D Disposal, Inc.'s application for proposed rezoning of specified property as NRPDD in accordance with the plans and specifications shown on the final site plan on file in the office of the Town Clerk, and it is further.

RESOLVED, that his Board recommends that the Town Board incorporate conditions relating to the generation of noise within the NRPDD that are equivalent to the regulatory standards applicable to landfills established by the NYSDEC and set forth at 6 N.Y.C.R.R. Section 360.19(j).

Yes 4 No:1

Denise Thompson- Nay, Jeffrey Allen-Aye, Stanley Manning-Aye, Linda Baird-Aye, Terrance Brethen- Aye

Dated: January 16, 2019

Filed: January 17, 2019

Appointment of Chairman for 2019

Terrance Brethen asked if anyone would like to volunteer for the position of Planning Board Chairperson; Stanley Manning nominated Terrance Brethen Linda Baird seconded the nomination. Terrance Brethen was unanimously appointed.

Adjournment

There being no further business before the Board, the meeting was upon motion, by Stanley Manning and seconded by Denise Thompson adjourned at 7:00 p.m.

Respectfully submitted,

Michelle Seeley, Secretary to
Town of Campbell Planning Board

DATED: January 18, 2019

MINUTES- date, _January 16, 2019

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