

Town of Hamburg
Planning Board Meeting
April 29, 2020
Minutes

The Town of Hamburg Planning Board met for a Special Meeting at 7:00 P.M. on Wednesday, April 29, 2020 via Webex to discuss the Final Scoping Document for the A L Asphalt proposal on Camp Road. Those attending included Chairman William Clark, Doug Schawel, Robert Mahoney, Dennis Chapman, Megan Comerford and Kaitlin McCormick.

Others in attendance included Town Planners Sarah desJardins, Andrew Reilly and Matt Bowling, as well as Town Engineer Camie Jarrell and Planning Board Attorney Jennifer Puglisi.

Excused: Al Monaco

Chairman Clark began the meeting by stating the following:

“Prior to joining the Planning Board, Mrs. Comerford was a leader and participant in a community group that has strong opinions about this particular project. Since joining the Planning Board, Mrs. Comerford has ceased all involvement in this. However, given her prior involvement she will not be participating in any Planning Board discussions on this project and will be recusing herself from any decisions or votes pertaining to this project.”

Mrs Comerford stated the following:

“I appreciate Chairman Clark explaining to the public why I will not be participating tonight. While I can be impartial regarding to all matters before the Planning Board, out of an abundance of caution I will abstain from commenting or voting on this matter tonight before the Board.”

The Draft Scoping Document had been distributed to all Board members. The Planning Board reviewed the document at the meeting as follows.

Mr. Reilly stated that on April 28, 2020 a letter was received from the New York State Department of Environmental Conservation (NYSDEC) indicating that it had no comment on the draft Scoping Document. He noted that when he reached out to the NYSDEC again, however, he was advised that comments would be forthcoming. He stated that he received those comments and forwarded them to Board members.

It was determined that Board members also have copies of public input that was received on the document.

In response to a question from Mrs. McCormick, Mr. Reilly stated that the applicant will document the current status of the site in the Environmental Impact Statement (EIS).

Regarding **Section 1.0 “Introduction”**, Attorney Puglisi stated that the Board did not request an extension of the completion date of the Final Scoping document to June 4, 2020. Mr. Reilly stated that he would remove that statement.

Regarding **Section 2.0 “Description of the Proposed Action”**, Mr. Reilly stated that he was informed by the NYSDEC that the amount of tons per year of asphalt material manufactured would be dependent upon the NYSDEC air permit. He noted that it could be more or less than 130,000 tons per year.

Chairman Clark stated that when the Positive Declaration was issued, the Planning Board intended to hold a Public Scoping Meeting, and it would have been held in April, but because of Covid-19, that was not possible. He noted that the law does not require a Public Scoping Meeting.

Chairman Clark stated that an opportunity was provided for the public to comment, and the Planning Board used the minutes from the public meetings on this project to further understand the concerns of the public when crafting the draft Scoping Document.

in response to a question from Mrs. McCormick, Mr. Reilly stated that the owner of the rail line that runs through the applicant’s site was not notified because interested Agencies do not usually include property owners.

Regarding **Section 4.4 “Environmental Setting/Existing Conditions”**, the narrative discussion on existing historical, archaeological, or cultural resources will be revised to indicate that the discussion must include existing historical, archeological or cultural resources on the project site and within 1/2 mile of the project site.

The existing neighborhood character and setting bullet will be revised to indicate that photographs must be taken at locations, as illustrated in the attachment to this scope, and the attachment will indicate where the photographs are to be taken.

Mr. Reilly stated that although the Planning Board issued a Positive Declaration based on four (4) issues, through the Scoping process the Planning Board can ask for additional evaluation of other issues that were not identified in the Positive Declaration.

Regarding **Section 4.5.2 “Impacts on Air”**, Mrs. McCormick stated that she would like to see modeling based on mobile sources incorporated into this section.

In addition, the “Impacts on Air” section will indicate that the referenced NYSDEC Notice of Incomplete Application dated November 5, 2019 is attached to the Final Scoping Document.

Mrs. McCormick stated that she wanted the applicant to discuss dust and materials stockpiled on the site blowing across Camp Road to the auto repair business, since it was brought up by the public.

Regarding **Section 4.5.5 “Impacts on Transportation”**, the intersection of Camp Road and Scranton Road will be added to the intersections to be analyzed.

Regarding **Section 4.5.7A “Impacts from noise, odor and light - Potential Impacts”**, the following sentence in parentheses will be deleted:

“(identification of noise making equipment and the level of noise generated by that equipment – utilizing equipment specification documents. If using documentation from existing equipment operations, verify that it is the same equipment and that it was operating as this system would operate).

The following sentence will replace the above deleted wording:

“The study shall identify the type of equipment used as a surrogate and specify the type of equipment to be used on site”.

Mr. Reilly confirmed that Board members want the above to relay that the applicant can use equipment specs for a surrogate, but if the report uses similar equipment in a different location, it must produce documentation that it is the same equipment that would be used on this site and that it was running at full capacity.

Mrs. McCormick stated that the report should document the exact types of equipment and the age of the equipment.

Regarding impacts from **odor**, the following sentence will be deleted:

“Special consideration shall be given to odor impacts experienced by non-industrial zoned properties located within 0.75 mile radius of the project site, including, but not limited to, properties zoned R1, R2, R3, R4, RA, RE, C1, and C2.”

The following sentence will replace the above deleted wording:

“Special consideration shall be given to odor impacts experienced by non-industrial zoned properties to the farthest distance that there is discernible additional noise above background, including, but not limited to, properties zoned R1, R2, R3, R4, RA, RE, C1, and C2.”

Regarding impacts from **noise**, the following sentence will be deleted:

“Special consideration shall be given to odor impacts experienced by non-industrial zoned properties located within 0.75 mile radius of the project site, including, but not limited to, properties zoned R1, R2, R3, R4, RA, RE, C1, and C2.”

The following sentence will replace the above deleted wording:

“Special consideration shall be given to noise impacts experienced by non-industrial zoned properties to the farthest distance that there is discernible additional noise above background, including, but not limited to, properties zoned R1, R2, R3, R4, RA, RE, C1, and C2.”

It was determined that Mr. Reilly would discuss with the air experts the issue of other air emissions that could affect public health.

Mr. Bowling stated that the project site is within 1/2 mile of a number of historic resources that should be looked at.

It was discussed whether the New York State Office of Historic Preservation will be added to the list of Interested Agencies in the Final Scoping Document or the applicant will just be required to consult with that office.

Regarding Section **6.0 “Alternatives to be Evaluated”**, it was agreed that a # 5 will be added to the list stating the following:

“Alternative sites per the SEQR requirements”.

Regarding Section **7.0 Cumulative Impacts**”, it was determined that Mr. Reilly would revise the language to include the proposed project, as well as any existing uses.

Regarding Section **9.0 “Potential Impacts Raised During Scoping Determined to be Insignificant**”, it was determined that the list of impacts that are insignificant will be revised to exclude the following:

- Impacts on Historic and Archeological Resources
- Impact on Open Space and Recreation

Regarding Section **“10.0 Information To Be Included in the Appendices of the DEIS”**, the fourth bullet will be revised to read “Final Scoping Document”. In addition, the ninth bullet will be revised to read “Air Quality Study and the corrected NYSDEC Air Permit Application materials”. Additionally, the eleventh bullet “Appraisal Analysis” will be removed.

Also regarding Section 10.0. a bullet will be added as follows:

- Documentation and analysis of historic properties and any studies as a result of the 1409 Review for the New York State Office of Historic Preservation.

In response to a question from Chairman Clark, Ms. Alexandra Lettieri, applicant, stated that she did not have anything to add regarding the Draft Scoping document.

Chairman Clark stated that the Board would be voting on the Draft Scoping document and authorize the Planning Department to make the specific changes, and only these changes, discussed at this meeting including the specific issues discussed regarding the air quality expert.

It was determined that the Planning Department would also be authorized to make grammatical and editorial review as long as it does not change the substantive comment.

Chairman Clark made a motion, seconded by Mr. Chapman, that the Planning Board approve the Draft Scoping document with the discussed modifications including technical issues regarding air quality issues that will be reviewed at a later date with the Board’s air quality expert. Carried.

Chairman Clark made a motion, seconded by Mr. Mahoney, the Planning Department was further authorized to perform the required notices and filings.

Mr. Schawel made a motion, seconded by Mrs. McCormick, to adjourn the meeting. The meeting was adjourned at 8:30 P.M.

Respectfully submitted,
Kaitlin McCormick, Secretary

May 4, 2019