



put the property back on the tax rolls. The County has initiated a 239 Review under the General Municipal Law. A number of questions have been asked of the County which they intend to fully address. One of the issues has to do with whether or not they have submitted a formal site plan. Atty. Kamlet said that they have provided in bits and pieces, not necessarily in one integrated site plan, all of the information required under the zoning ordinance; however, if the Planning Board feels it is necessary for them to retain an engineering consultant to do a more formal site plan, they are prepared to do that. There will be no significant modifications to the building structures or to the impervious surface on the property, but there are plans to add siding to the facility to enhance the exterior appearance in addition to fitting the interior with conveyor belts and storage racks necessary to carry out the business. They have had conversations with Atty. Cheryl Sacco, representative of the Chenango Valley School District, and David Gill, Chenango Valley Superintendent of Schools, who have a problem with tractor trailers passing through the school district property. This was a potential alternative that some members of the Town Board had suggested instead of using Hoyt Avenue. From a safety standpoint, Hoyt Avenue is preferred by Lee and Atty. Kamlet. Many of the Carrier Services Group customers are located in the Northeast so this would be an excellent location to service those customers.

At this point in the meeting, Lee Hartman introduced himself and briefly explained that he founded the company in 2003. He has approximately 40 employees and seven warehouses. Basically the company buys and sells telecommunications products. When carriers have mergers, acquisitions, growth, etc. Carrier Services Group takes the spare equipment from the carriers, inventories it, puts it on the shelves, and sells it to other carriers. In terms of truck traffic, they have a couple of trucks per week, usually morning deliveries, which is usually via UPS or FedEx. Daily pickups are typically at 4:30 or 5 PM. Afternoon deliveries are rare. Employee hours are 8 AM – 5 PM, Monday – Friday. Atty. Kamlet commented that this is in contrast to the Medical Depot that operated under three shifts, 24 hours/day; Mr. Keough added that all of the deliveries were by train, which is the concern of the neighbors. They track supply and demand for all of the carriers and they do analytics behind it so they know what to keep and what not to keep, they know what the current usages are, and they know where to put values where other companies are not able to do that. The facilities have been foreclosures or auctions that they have purchased and fixed up; they take pride in who they are and what they do because they have companies (like AT&T and Verizon) coming in and they expect the best. There is no debris and the facilities are organized.

**Question and Answer Time** – The Planning Board asked questions and Lee and Atty. Kamlet promptly responded with answers. Highlights of the Question and Answer Time are listed below:

**Mr. Keough** – How many buildings were purchased? Lee pointed out on a map which buildings he purchased.

**Mr. Standard** – When you talk about truck deliveries, are you talking single axle or tractor trailer? Tractor trailer. In some case, there may be 25 foot trucks but usually they are tractor trailers.

**Mr. Armstrong** – If a facility is going to upgrade, you are acquiring what is coming off that facility, so am I correct in assuming that a tractor trailer that is coming in, is that whole site being disassembled? Yes, that is correct. But, Mr. Armstrong asked, is there ever a tractor trailer leaving your site, or is everything that is leaving in smaller quantities? We are more lot

buyers and single sellers. We do have 25' box trucks also that are used to come to this area but it may not be feasible for them to use those same trucks; if used, they would not be used often.

**Mr. Armstrong** – What type of testing will occur on site? For example, Verizon just purchased the optical side of XO Communications. Now Lee will be working with Verizon to take that XO equipment out, bring it back in, and sell it to the other carriers. Prior to that de-installation at those sites, everything will be tested to see if the equipment is up and running. If any product is not running, it will be tagged. If it has value, it will be sent out to a repair lab, then it is sent back to him to be resold. Typically what they do is receive, inventory, and resell – there is very little done in terms of repair. There may be some field testing or field assessment but no live RF Testing. The company holds several certifications: TL9000 Certification, ISO9000 Certification, and R2 Environmental Certification. Only 500 companies in the US hold the R2 Environmental Certification.

**Mr. Keough** – In regard to the County's comment, "The Town Board should assume the most intensive use allowed on the site under the proposed Limited Industrial District when considering whether to rezone the property from the Residential-B District," once you rezone it, anything you allow under that usage is allowed. So it's not necessarily him you are buying if you rezone it. Atty. Kamlet said that there are several ways that this can be addressed without going back to the broad Limited Industrial District Zoning, such as issuing special use permits, designing a Planned Development District, etc. which would guard against undesirable future users coming in at a later time.

**Mr. Keough** – What are you going to do about restrooms? There is only one electrical service to this property – it's a substation up in the corner – who owns that? Lee said that he has had discussions with New York about this and it is currently under review. The government says that Lee owns the wires and the poles on his property and the County owns the wires and the poles on their property but they are all on his meter, so this is something that needs to be addressed. Lee's question to the electric company was can each building be metered. Engineers are going to be sent out to look at the situation.

**Mr. Keough** – What are you doing about water, restrooms, sewer? The main office complex has plenty of restrooms, including a handicap restroom, and both warehouses have restrooms. There is a water meter that just needs to be turned on.

**Mr. Keough** – What about heat? There are several of the buildings that do have heat. The product that Lee deals with typically does not need heat for but he does plan on putting some type of heat in those buildings, especially in the front where the materials will be received.

**Mr. Keough noted that these types of matters that are being discussed should be noted on the site plan.**

**Mr. Keough** – What about the fire protection for the buildings, as the big one is a wooden structure? Although Lee responded that the buildings have a 'dry system' set up in them, he is going to have discuss with an engineer how the water system is going to support the structures.

**Mr. Keough** commented that the school district had the opportunity to obtain one of the buildings for \$1 but turned it down because they figured out the cost of putting a roof on the building. Lee said not one of the buildings he bought has a leak in the roof.

**Gerry Sabato** – Which of the property in the front does Lee own? Gerry was directed to the map in the Meeting Room.

**Additional Comments:**

**Atty. Cheryl Sacco** – “The school does oppose any traffic going through here and the easement is disputed. The easement was not given – it was taken inappropriately. Having said that, the school district is always supportive of good businesses and understands the impact. They wonder if there could be a lower level change in zoning potentially as well as any necessary accommodations done to upgrade Hoyt Avenue. The district is not opposed to business or well run businesses or increase in tax base. Our concern is the students and we want to make sure they are safe. There were some conversations before tonight with Mr. Hartman and he did seem potentially interested in changing that site plan to represent that and if he did make those changes and remove the traffic in any access ingress or egress out of the school obviously the school district’s concerns would disappear.”

**Mr. Armstrong** – Another item that was of concern was how to handle the Environmental Assessment Form. Mr. Armstrong would recommend against taking any action on that at this time and he does not know if the Planning Board or the Town Board would be the Lead Agency for the project. Atty. Kamlet commented on Mr. Armstrong’s point, stating that his training is mainly in Environmental Law. He said there was an extensive investigation, evaluation, and remediation carried out by the Federal Government. Before they can turn over excess real property to private sectors or owners, municipalities are required to fully remediate the property and address any environmental contamination that is present. Atty. Kamlet evaluated the report done on the site and the only residual contamination found was some mercury contamination within the cinderblocks in one of the buildings and the interstitial space between the cinderblocks and the outside wall. There were measurements of indoor air quality made and those were all well below the levels of concern. The only other thing that was found was some low levels of chlorinated organic compounds in the soil well below some of the buildings and as long as there is no disturbance of the earth, then those should not cause a problem. Anything that could have been a potential hazard has been handled by the Federal Government. Atty. Kamlet felt that there seems to be good justification for a Short Environmental Form rather than a Long Environmental Form.

**Mr. Armstrong** – The goal is when it comes to the time for a site plan review and approval for Rick to work with the County, and Lee and Atty. Kamlet to work with the County, and basically to establish a format that makes it as easy as possible for all of the involved agencies to walk through.

**Mr. Armstrong** – We have to reject the plan because it is a non-conforming use in a Residential-B District. The ZBA will not be able to issue a variance by the fact that the hardship requirement cannot be satisfied. The next step would be for the applicant to take the application to the Town Board, who would consider rezoning. The applicant would return to the Planning Board with the site plan if the Town Board chose to consider rezoning.

**Mr. Armstrong made a motion that the Planning Board not act on the proposal at this point in time and does find the activity to be reasonable for the site; however, it would require rezoning and limitations associated with access and recommends that it be carried forward to the Town Board for consideration, seconded by Mr. Mullins. Motion failed (without a majority vote).**

**VOTE:** Ayes 3 Armstrong, Eldred, Mullins  
Nays 2 Keough, Standard  
Absent 1 Randall  
Abstain 1 Aurelio

### **OLD BUSINESS**

**Lily Lake Church Camp – Multipurpose Addition – 835 NYS Route 369** – Comments were received from the County associated with the 239 Review that was submitted for the multipurpose addition at 835 NYS Route 369. One question was asked of the County and that was if any changes were to be made to the driveway and access to the property. The applicant's response was no, they will continue to use the driveway as is. Also, the NYS DOT made one statement apparently associated with a drive by on their behalf in the discovery that the Lily Lake Church Camp sign is on the State right-of-way. The County review is requiring that the site plan indicate the relocation onto the parcel owned by the camp and that it in fact be relocated. Mr. Armstrong will give Frank Skies the contact number for the NYS DOT. **Mr. Aurelio made a motion to accept the site plan for the multipurpose addition at 835 NYS Route 369 with the contingency that the sign is moved**, seconded by Mr. Standard. **Motion carried.**

**VOTE:** Ayes 6 Armstrong, Aurelio, Eldred, Keough, Mullins, Standard  
Nays 0  
Absent 1 Randall

**Brewery – Brendan Harder – 197 NYS Route 369** – The Town's Engineering firm, Griffiths Engineering, reviewed the brewery project, in response to a neighbor who expressed deep concern over the situation. Brendan Harder is looking to make changes to the building and distributed the site plan with the changes to the Planning Board Members. Brendan explained that there will be 15' extensions off the two peaks of the roof. They will anchor those to footers, then fill that in with pea stone for the patio, mainly for customers to have a nice view of the property. Also, the type of siding is being changed. Mr. Armstrong noted columns will be supporting the roof. Brendan said the footprint of the earth that was moved is not being changed. **Mr. Keough made a motion that the Planning Board has reviewed the changes as submitted on December 20<sup>th</sup>, 2016 and the Planning Board finds no issues with the changes**, seconded by Mr. Armstrong. **Motion carried.**

**VOTE:** Ayes 6 Armstrong, Aurelio, Eldred, Keough, Mullins, Standard  
Nays 0  
Absent 1 Randall

CAC Member Pat Podrazil asked about the septic system for the Brewery Project. Dick Bassler, Engineer for the project, said that there is a separate set of plans for the relatively small septic system that has been approved by the Broome County Health Department which represents the NYS DEC on a project of this size. Pat said that there were some concerns about the byproducts of the brewery and Brendan replied that they would go into a holding tank that would get pumped out and transported off-site.

### **INFORMATION**

**Natural Gas Fueling Station** – There is a gentleman from Vermont that has been into the Town on two occasions in regard to a natural gas fueling station on the Ladue property where it

meets the Village of Port Dickinson. He is looking to lease the property. He would tap the gas main, establish a compressor station, and do tank filling on the site. He has industrial and manufacturing customers that cannot get the heat quantity or afford the cost of heat with propane but are not on a natural gas line, so they actually tap it, place it in a tanker, and transport it to these customers. He currently operates in Vermont and New Hampshire and is looking to do the same here. Mr. Armstrong asked him where he would be mainly hauling to and he said the Ticonderoga area. It would be round the clock filling with possibly three filling stations; they can fill a truck in one hour, with approximately 40 trucks/day. Noise level would be 80 decibels at 20 feet (less than a lawn mower). The compressor station would be close to the river. The site is in the flood plain so the pad for the compressor station would be elevated but the filling stations would not be elevated. The connections to the tanks would be from booms up above and if there was a flood, the compressor station operation would be shut down for the period of time that the water was high. The gentleman has talked to the NYS DOT who has indicated to him that the Service Road is owned by the Town so the Town would deal with the access to and from the site. Fill would need to be brought in to get the driveway built to the Service Road level. Access could come from the Service Road or as part of the lease, the east side of the Ladue property around the back of the garage. Basically this project is in the initial stages and Mr. Armstrong wanted the Planning Board Members to be aware of it.

At 8:05 pm, **Mr. Eldred adjourned the meeting.**

Melodie A. Bowersox, Town Clerk