

Town of Harpersfield Planning Board

Minutes: **October 25, 2023**

Present: D. Darling, W. Keller, K. All, F. Ciulla, D. King, L. Page, A. Phillips, N. Brower, Theres Ferrigno (county planning) Wenda Habonicht, David Cox, Karen Butler Dev Kernan, Dwayne Hill, Damian Hill, Brea Laible, Glenn Bertrand, Susan Henshall, C.W. Henshall, Laura Bertrand, Gabby Leach, Kitty L. Ballard, Patricia R. Valente, Carol Malz, Karen Perepezko, Robert Perepezko, Chris Ferla, Susan Fortier, Matt and Lesley Baitekunas, Mary A. Crisafulli, Elizabeth De Falco, Michael Vessia, Robert Prush, Shelly and Joe Carroll, Richard Franco, John Baker, Christopher Kernan, Helen and Arthur Kinsley, Tom and Brenda Hunt Zimmerman, Matt Morse, Andrea Menage, Tim Powers, Richard Fried berg, Patricia Kernan, Catherine Kernan, Bruce Kernan and Vicky Lackluster.

Damian Hill was present to say he is looking to put previously subdivided parcels back into on big parcel, one with a house on the northern side of Easy Street (a private roadway) with 20 acres and a vacant 20-21 acre parcel on the other side of the roadway. There are six parcels in all. There would be a house on both parcels. It is owned by Jerry Dellacourt with a total of 42.51 acres. He is asking if it is possible to use the right of way on Easy Street as road d frontage. The roadway and right of way must be inspected by the town highway superintendent and highway committee to determine if it is up to road specifications. The roadway is already used as an access to other parcels. It will depend on the report at the next meeting before a public hearing could be scheduled.

A motion was made by W. Keller, with a second by Frank Ciulla, to contact the highway committee to determine the condition of the roadways. Motion carried 5-0

Richard Frank was present to discuss property near Coles Garage and it was determined it is located in the town of Fortright. He will take his proposal to the town of Kortright.

The continued public hearing on the Mountaintop Airport LLC regarding NYSafety Track was opened at 7:30 p.. with D. Darling reading the notice published in the Daily Star on Oct. 18. He asked those in attendance to limit their comments to two minutes and asked those present to provide any new information. The planning board is well aware of the noise and hours of operation. He is hoping for new comments.

Matt Moyle said he lives on Parker Schoolhouse Road and submitted a letter for the record (see attached), and summarized it for the audience. His family has lived next to the track for more than 10 years. His father-in-law is Dale Butts. They, as a family, operate an air bnb and are the largest property bordering the track. They have future plans to open a wedding venue, but they will be unable to do that if the track operates from 6 to 6. He said a lot of people operate Airbnb and bed and breakfasts, but they don't want to see the track hours extended. He also referred to shooting at the track, campers and speeding. He does not believe there is much benefit to the local economy from the visitors to the track.

Carol Malz lives on Rt. 23 and MacElwaune Road and said they get noise from the racetrack. She is hoping the planning board does not dismiss air pollution, because it is as bad as water pollution. It does have an effect on health and she feels sorry for those who live near the track. It can cause heart attacks, hearing and psychological problems. She there are issue of speeding on state Rt.23 and the state police have been called several times. They are cars headed to the race track. They also speed past the school.

She said she believes it is deceptive for the applicant to do his application in states. It is supposed to be done up front and not segmented. It would be a big mistake for this planning board to accept the application. They should reject it for a full SEQRA review.

Gabby Leach asked if the track has been sold to KORA (?) Investments. She was not sure of the name.

D. Darling reminded the audience that there is a due process necessary for the planning board to make decision. The planning board has started that process and will see it through.

Allyson Phillips said they could FOIL all correspondence with the applicant's attorney. They needed to refund the escrow account and at one point they were not able to process the check received. It was a security issue that has been resolved and it is her understanding it is being processed.

There are rumors that AMT and quartermen have not been paid for weeks.

It does not involve the planning board.

Davenport Town Supervisor Patricia Valente remembers in 2011 when Greg Lubininsky first came into town for the board to consider amending it into something and that it wasn't intended to be. She called it twisted.

Matt Moyle asked if any other business is allowed to operate from 6 a.m. to 10 p.m...

Kitty Ballard asked if anyone from the planning board has actually bet to the track to see if the mini track has been constructed.

D. Darling said the town's Code Enforcement Officer has been there, but the planning board has not received a report back.

A. Phillips said he was not allowed into the facility but the state Department of Environmental Conservation has been there.

Sue Fortier suggests the town purchase a drone and hire someone to run it.

Bruce Kernan said it seems to him that part of planning is to use the past to predict the future. It seems logical and the track's past is not good. It does have a psychological effect - we are within a mile of the track.

Andreas Menge lives on Echo Lane Road in Kortright. The noise carries itself due to the valleys. Have the other towns weighed in on the track - it is not just a Harpersfield issue. If they are running seven days a week.

Another gentleman said the noise is a health and safety issue and also asked if other towns had an opportunity to weigh in on the issue, since it is affecting people from the other townships. If they increase operations, he wanted to know what the other municipalities have had to say on the issue.

D. Darling said there are people attending from the other towns. He reiterated the planning board does not need any more comments on the noise issue. They are well aware of it. He then asked if it is a legal

issue.

A. Phillips explained there are requirements to notify other towns and other property owners within 500 feet. The towns of Davenport, Kortright and Worcester have been notified. In addition the Delaware County Planning Board reviews to determine the inter community or countywide impacts. Was referred to county planning board several months ago.

Gabby Leach referred the track's Facebook page and said there has been a change in hours and limited to two days with 30 vehicle total. If guests would need to get approval. That is what he is saying to the public. She found that interesting FYI.

F. Ciulla asked if that is the current website. She also referenced a track fun day weekend. All bikes that are being stored must be out by November. She does not know about the RVs. Also mentioned next year's activities A track fun day weekend.

Karen Perepezko live on Long Island, but her family has had property here since before she was born. Property her father bought for hunting. She has spent her life traveling here to the family's vacation property. I can't use it as a vacation property anymore. She is still attached. Increasing track time would make it not worth it to come to a house I can't enjoy.

If he really is supposed to do 2 days, it is on his website, then he is already not doing what he is supposed to be doing. It's on his schedule and Facebook page, 4 and 5 days per week already. Already not doing what he said.

He has scheduled days from April to October. There was a notification owners must come get their trailers off because he may be getting ready to let you see the property and he probably doesn't want you to see the campers. She said they are traveling with specialty gas, tents, selling clothing and tires. The people visiting the track are not spending money in your town. It has sickened me what has happened to this property.

The audience clapped.

Patricia Velente said Harpersfield is the lead agency, but Davenport can't be a lead agency also, but they can be an involved agency to see that everything is followed.

Sue Fortier. She had read comments on Facebook that NYSafety track was listing it as a safety facility to get around the planning board. Those were the exact words. If anybody has that screenshot.

Dev Kernan asked to clarify if the county planning commission will have a public hearing on the race track application.

N. Brower said the county planning board meetings are open to the public. They look at the broader scope of a project and how it would affect neighboring towns. Meetings are held the first Wednesday of each month at 7 p.m. at the Delaware County Office Building, located at 111 Main St. in Delhi. The county planning board has reviewed it once, but there have been changes since then.

Someone else mentioned it may be a topic at the Worcester Town Board meeting, which is also concerned about the track. And asked if Worcester is considered. I think the town of Worcester is interested and concerned. I will urge them to go to the county planning commission.

Someone asked if anyone had talked about the light pollution. If the track is open until 10 p.m. they will need more lighting. She is concerned sound and light pollution. It would have to be pretty well lit for them to be traveling at 110 mph.

Catherine Kernan said it is located on the Otsego/Delaware county line, with the line at the foot of the hill. The Garte report was eye-opening. We want our lives back and our peace and quiet back. We want to support our community, but not at the sacrifice of our health. Life Liberty and the Pursuit of Happiness. She also referred to the track owner's threat regarding money.

Another gentlemen from "the city" asked why meetings were always the same night and not switched to other nights, like the middle of the week, for those who travel from the city. D. Darling explained it.

Robert Prush asked since 2011 how did it get all screwed up.

EW Headstall, said that if Tom Little (COE) can't get on the track property, why isn't law enforcement or legal thing going on there to allow him on the property.

A. Phillips said enforcement is not a planning board issue. It is an issue forth town board.

A motion was made by W. Keller, with a second by D. King to adjourn the public hearing on the NYSafety Track site plan until a future date to be determined by the planning board. Motion carried 5-0.

It must be published in the town's legal newspaper and the town website.

The recording was turned off temporarily due to a number of conversations taking place.

W. Keller said he has a problem with the SWPPP regarding the BlueWave Solar project. He asked what an Article 78 is. What about state policy.

A. Phillips said they could talk about the next steps with NYSafety Track application. The planning board has to complete SEQRA before they can give approval but do not have to complete SEQRA to deny an application.

SEQRA is the next step in the process. They should go through the Part II worksheet and identify potential impacts. Part III includes the scale of the impact that is not mitigated through project design. If it is positive, the environmental review continues and there must be a public hearing to determine the scope and any additional study it needs. Amended in 2018 there is mandatory scoping requirement, for the scale of the impacts not mitigated.

Planning board members will start with the part 2 worksheet and look at the site plan law. There are a number of factors they have to consider in there deliberation of the town's local law. A Phillips suggested they could do it during a special meeting, or they can start the process tonight.

W. Keller said in this application, there is obvious environmental impact. There has been a sell out crowd (at the hearing) and noise is a proven health and safety issue.

He said the planning board may want to hire an acoustical engineer again to analyze the noise. There are many factors to consider, such as duration, weather and all that stuff. If they show there is a health and safety impact or if it shows there is none, then fine.

He also referred to the trees already cleared by the applicant that might have mitigated some of the noise and what effect that might have on its review.

A. Phillips said comments from the public on the noise and the applicant's responsive email could be sent to an acoustical engineer to determine if there is anything new, due to the changes in the environmental impact. He could be asked to review the comments received from the public hearing.

F. Ciulla said the number of days the track is proposing to operate is still unclear.

A. Phillips said the planning board could request a site visit in order to review the site for the site plan approval.

W. Keller questions stormwater runoff and will ask DEC.

W. Keller said the track operation is contrary to the town's comprehensive plan. We can't take away past mistakes, but we can prevent making them in the future. We do not have confirmation the track is built.

Proper mitigation of the issues could affect approval and whatever decision the planning board makes, there is the feeling someone will challenge it.

A. Phillips said she would send the proposal to Shelly Johnson Bennett(planning director) to get the track on the county planning board agenda for the November meeting to provide them a chance to review the application again with the new information. We'll see what the county says.

A motion was made by D. King, with a second by F. Ciulla, to schedule a special meeting, tentatively for November 16 at 2 p.m. , contingent upon availability of the meeting room on that day. Motion carried 5-0

W. Keller made the motion to adjourn, with a second by K. All at 9:05 p.m.. Motion carried 5-0.

Planning board members will review the environmental assessment for and site plan review law prior to that meeting.

Attachment: Matt Moyse letter.

Respectfully submitted,

Liz Page,

Recording secretary.