

Town of Harpersfield
Planning Board

Minutes: Nov. 16, 2023 Special meeting

Present: K. All. W.Keller, F. Ciulla, A. Gallagher, D. King and D. Darling.

Also present: L. Page, N. Brower, A. Phillips, Arthur and Helen Kinsley, Chris Ferla, Vicky KLukkert, Kitty Ballard, Susan Fortier, Helga Muchling, Karen Prepezko, Laurie Bedford, David Cox, Wenda Habenicht, Kahtryn Demby, Nanci Sanfilippo, Michael SanFilippo, Kevin Chrisman, Jennice Chrisman, Steve Pushkar, Laura Bertrand, Glenn Bertrand, Ben Prush, Robert Prush, Catherine Kernan, Patricia Kernan, Mark Vamos, Mary A. Crisafulli, Elizabeth DeFalco and Anne Marie Garti.

D. Darling called the meeting to order at 2:14 p.m..

Minutes of the Oct 25 meeting were approved with the following corrections, remove the (d) from road frontage in the second paragraph reference by Damian Hill to Easy Street. Page two reference comment by Kitty Ballard. She asked if anyone from the planning board has actually BEEN, not bet, to the track. Page 5 reference of W. Keller to the town comprehensive plan (not plant).. Approved with corrections on a motion by W. Keller with second by F. Ciulla. W Keller also mentioned the Matt Moyse letter was not attached although each planning board member had been given a copy

D. Darling welcomed everyone to the special meeting which he said is not part of the continued public hearing on Mountaintop Airfield LLC, NYSafety Track. There will be no public comment. The meeting is an opportunity for the planning board to review the material it has received along with the public comments and additional submitted comments, all of which will go into the public record. He also announced the planning board would not be making a decision on the site plan application (they will not be voting) today.

A. Phillips provided an update. A second referral to the Delaware County Planning Board, which met on Nov. 1. A copy of the response to that referral was distributed to the planning board members. The secretary did not receive a copy. No action was taken and they deferred to the local planning board. (See attached response).

Someone indicated that the article that appeared in The Reporter was incorrect.

All noise related comments to the planning board have been provided to the planning board's noise consultant and the consultant is working on it.

W. Keller said the public has indicated two more hangers have been built on the property. He would like to know where they are located, relative to the physical site plan the planning board received for its review.

The plans were pulled out for review to see what actually appears on the site plan.

N. Brower said it was discussed at the county meeting that different parts are signed by different people on behalf of the LLC. The county planning board said there should be documentation that all these people are able to act on behalf of the LLC.

The legality of disclosing the LLC members was discussed and A. Phillips said indicating who can act on behalf of the LLC is not necessarily disclosing its membership. They should indicate who is able to speak/act on behalf of the LLC.

A. Phillips read the Delaware County Planning Board's Notice of Action. (See attached.)

No report from Town Code Enforcement Officer Tom Little has been received. However, A. Phillips indicated he was not allowed on the premises.

She said the State Department of Environmental Conservation (DEC) did go to the property and she has reached out to them to provide any correspondence related to those visits. She indicated she has not received any correspondence from DEC.

W. Keller said he has been having problems with the Stormwater Pollution Prevention Plan (SWPPP) and takes issue with what is being done. We have to get DEC factored in here. The State Environmental Quality Review Act and SWPPP are part of this process. He questions if they (DEC) are doing their job.

He referred to a comment from an adjacent landowner who said water was running onto their property with oil in it. He said the SWPPP should not allow anything to flow onto others' properties. DEC has to show and defend what they are doing when we have projects going on.

A. Phillips said it is an important concept, but the lead agency can't delegate its authority to another agency. The planning board can't relegate the decision.

They discussed the tree cutting and its impact and then went through the Part 1 and Part 2, noting where they have questions and perhaps need more information.

The trees are a question and is an area to be examined on a site visit. The engineer could also be asked to review and the slope of the terrain. There is additional impervious surface. There is also substances on the track which wash off. They questioned runoff.

It was determined the next step is to review SEQRA form and determine, what possible impacts there may be regarding the surface water and jot down any questions the planning board has to be followed up with the consultant.

The applicant's engineers have been ignoring questions. They did provide a written memo on the SWPPP and comments to the follow up questions. W. Keller said he has criticized the SWPPP. There is the issue he already mentioned and a dirt footprint for the mini track, if he was hearing correctly.

A. Phillips said they will get clarification on what DEC found on their visit and the SWPPP.

W. Keller said they can then get it cleared up.

A. Phillips said they can't force them to respond, but they can invite them or send them questions.

A list of questions will be developed. A, affidavits saying they were no longer proposing addition days or extended hours and that there would be no racing on either track. They are still seeking to have cars on the track.

Technical information is needed about the property and the proposed action, along with the potential impact, in order to help the planning board in its review of Part 1. DEC has created a Part 2 to help identify the impacts and to determine if there is small or moderate to large impacts. In context of the scope of circumstances of the action, providing scale and context, scale size and intensity of the overall size, structures, parking lots, intensity, amount of traffic and noise.

D. King said since there have been changes who tracks the system and context of the conditions on site and its relationship to the community.

A. Phillips said is is part of the context to deal with the existed permitted facility.

They reviewed the site plan map to see what is shown on the map. There is a federal wetlands on the property but it is unknown if it is near the project. The answer for surface water is yes and the planning board reviewed the subsections under section 3.

Question 3a - D1H yes it will impound water regarding retention areas for SWPPP. Scale and context . 2 acres of surface area. If water is filled with oil it could have a big impact. Section I refers to the water quality. a stormwater pond. can't limit to 5 acres but the 133 total acres when considering the impact. W. Keller reiterated his issue with groundwater. It may be the recharge point. He does not want to confuse the issue. We can't hold them to that because the SWPPP doesn't. A. Phillips indicates it is a separate issue. Your concern is: it creating a water body over a recharge area. They reviewed the map. Consensus was no or small.

3b - D2b - altering or encroachment to existing wetlands or existing water bodies. Is it adjacent properties. A pond where runoff is going into their pond. A beaver pond on their property with oil on the surface. In the public comments. Percentage is unknown but not 10 acres. Something to ask stormwater engineer about. Walt has her number and name. 12:26 of 8/30/23 recording. She did refer to wetlands.

3c - Dredging materials from wetlands or water body - no

3d - construction within or adjoin freshwater or adjoining waterbodies. a classified stream - responses contradict each other. The adjoining waterbody the woman mentioned. Yes for adjoining and if stream somewhere. Stream on a portion of site, draining the site. We have to look at that. No construction in any streams or within wetlands or adjoining wetlands. Existing ponds were identified. They will attempt to get the location of the stream. However, there is no construction proposed near them. Consensus was no to small.

3e - turbidity in waterbody upland erosion or runoff. D2a - consultant commented on that and recommended level spreaders to distribute the runoff flow. no to small

3f - intake or withdrawal - no new water supply - no

3g - D2e - sanitary wastewater - 500 gallons per day. - no - no new wastewater disposal systems proposed.

3h - Soil erosion or stormwater discharge. no to small

3i - water quality of any waterbody within or downstream...W. Keller we need to check the downstream pond. W. Keller to refer. A. Phillips need to review the proposed action. D2e. Plans and SWPPP show there is runoff. Engineer commented on the plan to manage the sheet water flow. Must tie the impact to the action. It is worth following up on.

W. Keller is autos new to this. Crap off cars is different than what comes off motorcycles. There could be pollution, streams or ponds or whatever. Also lubricants and fuels. Petroleum is a pollutant. Nothing proposed or that a polluting effect. Can ask applicant what best management practices are in place to

hand ground contact or spills. Octane boosters is toxic. We can google what comes off of racing tracks. The roadway is not clean. I don't know if in the record, but I have heard from a resident. There is going to be a change on what is on that track.

3i to be followed up with some additional questions, which Walt will develop. Need more info whether addition of cars and addition of other vehicles, plus the fact, if doing it more, there is more there.

D. King said should ask if a fire plan to extinguish possible fires, such as foam, etc. It is a potential impact.

3j. - pesticides or herbicides. None proposed

3k - expansion of wastewater treatment - no

They will move on at next meeting.

Why don't we agree on what will right to the top on this SEQRA review - such as noise. Could quickly figure out what is most critical.

W. Keller said there are comments of additional hangars and the planning board needs to find out. "We need to find out what is this site plan.

A. Phillips said they could make a site visit.

A motion was made by W. Keller, with a second by F. Ciulla, to schedule a visit to the site to determine if the site plan they have is up to date. Motion carried 5-0.

Planning board members then went through the Environmental Assessment Form to identify if there are other things to be considered in the site or that they expect to find under SEQRA. They review parts 1 and 2 as submitted Dec. 19, 2022.

A motion was made by F. Ciulla, with a second by W. Keller to arrange a site visit. Motion carried 5-0. It is hoped a date can be determined at the Nov. 29 meeting.

A motion was made by F Ciulla, with a second by W. Keller to adjourn at 4:35 p.m.

Respectfully submitted,

Liz Page
Recording secretary

There should also be a plan for a fire suppression.