

Town of Harpersfield Planning Board

Minutes: **November 29, 2023**

The minutes were taken by alternate planning board member, Adam Gallagher, in the absence of Liz Page.

Present: D. Darling, W. Keller, K. All, F. Ciulla, D. King, A. Gallagher (as alternate)

Also present: N. Brower, A. Phillips, Susan Fortier, Chris Ferla, C.W. Henshall, Susan Henshall, Vicky Klukkert, Jennice Chrisman, Nanci Sanfilippo, Michael Sanfilippo, Robert Prush, Richard Friedley, Wenda Habonicht, David Cox, Bruce Blazo, Kathryn Demby

Chairman D. DARling called the meeting to order at 7:06 p.m., with a statement that the board would review the previous meeting minutes.

A. Phillips stated she found multiple items that needed correcting in the minutes presented. She is to provide the corrections for the secretary.

D. Darling asked if the recording device was new, and noted that he thought there might be a new note-taking/recording option in the future.

A. Phillips walked the board through a number of corrections to the previous meeting minutes.

W. Keller made a motion to accept the corrections and approve the previous meeting minutes, second by F. Ciulla. Motion carried 5-0

D. Darling briefly explained to the public that the meeting would not include a public hearing.

D. Darling proceeded with the agenda of the meeting. He stated that first on the agenda was Damian Hill with a land parcel proposal, but that D. Hill would not be pursuing it further.

Next on the agenda was Gary Blazo, representing his brother Bruce Blazo (not attending), regarding property along Route 10 in the Village of Stamford, Town of Harpersfield.

G. Blazo stated that the property is in his brother's name.

D. Darling suggested that there would need to be a boundary line adjustment.

W. Keller and A. Phillips suggested that there would need to be approval from the Stamford Village Planning Board.

W. Keller asked the applicant if the house was situated on the road.

D. King questioned exactly where the property was located.

K. All noted that the Planning Board should state that the Board has no concern but that it needs to go to the Village board.

A. Phillips thinks the Planning Board needs to do nothing and it should go to the Village board.

A. Phillips recalled that the Village assigns plats.

N. Brower noted that the County assigns plats

A. Phillips noted that the application would be subject to Village zoning

G. Blazo asked if the application would need Planning Board approval.

D. Darling and A. Phillips concurred that the applicant would just need a statement that the Harpersfield Planning Board has no issue with the application.

D. King noted that the property location's neighbors are listed as Stamford Village

N. Brower asked where the existing property is located. D. King stated it is Stamford Village.

A. Phillips suggested the Planning Board wait to hear from the Village Board regarding a need for a letter of approval

G. Blazo application was tabled

W. Keller asked A. Phillips about a water issue in Stamford Village

D. Darling moved to the next agenda item of independent cell towers.

A. Phillips noted the Harpersfield Town Board has comments regarding real estate. Nothing was submitted to the town. Assumption that they should likely submit as the plan, but there is some precedent of towns not requiring it for town-owned property; however it is a private property. There is nothing for the town to do at this time. Question of whether Lisa Driscoll suggested otherwise.

D. Darling noted there was nothing else on the agenda. Discussion would continue regarding the application by New York Safety Track

A. Phillips noted that at the prior special meeting, the Planning Board requested a site visit of the NYST location for their site plan application. A. Phillips asked the applicant for suggested visit dates and times but had no response.

K. All asked if the board should wait until site visits were complete before continuing with review of the FEAF

A. Phillips responded that the board can still go through the forms

A. Phillips noted the board could suggest staggered visits to the site to avoid a quorum resulting in required public notice

A. Phillips will continue to work with the applicant to arrange for site visitation

D. Darling suggested the board continue with the FEAF

N. Brower noted that the board had previously made notes on the FEAF where there were questions

A. Phillips noted the noise consultant had been given public comments but had not yet provided commentary; she recommended the board not touch the noise section of the FEAF at this time

D. King asked if there was any response or word from DEC

A. Phillips responded yes. She noted the board last met on November 16. The DEC issued a notice to the applicant of violation and a requirement for the NYST to respond regarding site stabilization. The DEC has instructed the applicant not to proceed with any more work until SEQRA is complete

W. Keller asked if there was any fine associated with the DEC notice

A. Phillips responded that it is the DEC's discretion to levy a fine

A. Phillips noted that the board had previously completed the first three sections of the FEAF

A. Phillips suggested continuing with section four and explained the process; A. Phillips provided copies of the FEAF to public attendees to allow them to follow along

W. Keller suggested the answer should be "yes," per the applicant's answer of "yes" on part D.2.d of Part I FEAF

A. Gallagher concurred the applicant's answer was "yes."

Question 4

4.a - Board answered "no"

4.b - W. Keller takes issue with the concept of groundwater recharge; applicant's action will diminish recharge of downhill wells

A. Phillips noted the board must be careful about only addressing items that are in the record

W. Keller noted the SWPPP does not mimic groundwater recharge; recharge is done by a blanket area, not a single point

A. Phillips noted the applicant did address the level spreader requirement

W. Keller - a level spreader is for erosion

A. Phillips - the SWPPP is intended to maintain natural processes

W. Keller - the point is a level spreader does not address recharge

4.b - board answered “no”

4.c - board answered “no”

4.d - board answered “no”

4.e - board answered “no”

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4.f - A. Phillips suggested using this section to address W. Keller’s concern for groundwater recharge impact; A. Phillips admits little knowledge of recharge; concern is the location of impervious surface and its impact

4.g - board answered “no”

4.h - A. Phillips suggested using this section to address W. Keller’s concern for groundwater recharge impact; A. Phillips admits little knowledge of recharge; concern is the location of impervious surface and its impact

W. Keller - concern is recharge area is diminished and a stormwater pond is not for recharge; a perc test might be a solution

A. Phillips - understands W. Keller’s concerns

W. Keller - if we don’t need to worry about how the water leaves the site, he can rest his case

A. Phillips - the engineer required level spreaders to engineer replication of natural state of water flow

S. Fortier spoke up and stated she had anecdotal evidence of adjoining properties having impacted wells

A. Phillips reminded the board that it is not a public hearing and it is only fair to the non-attending public that further public comments be prohibited

Question 5 - board answered “no”

Question 6 - section D.2.f of Part I was a “yes” so board answered “yes”

6.a - board answered “no”

6.b - K. All noted there is a question of how to determine the accuracy of the applicant’s answer to Part I, D.2.g

A. Phillips noted the board needs additional information and further consultation regarding emissions

6.b through 6.h - board leaving open for consultation

A. Phillips asked if the applicant’s affidavits are sufficient to address potential issues with the application

A. Phillips - not jumping to the issue of noise, but asks if all mitigation efforts that have been proposed by the applicant are sufficient

W. Keller thinks this is a beautiful question

D. Darling states the board needs more than just the applicant's affidavits

N. Brower notes that the Harpersfield Town Board had addressed inconsistencies with the applicant's affidavits

A. Phillips noted the board needs to address the impacts of the actions proposed by the applicant; there is an application that has been in process for a year; the applicant's uses have changed including potential for racing; board needs to determine if the mitigation is sufficient to address the potential for adverse environmental impact

D. Darling notes the board needs to be comfortable with correct affidavits

Question 7 - Part I, E.2.q is "yes"; board answered "yes"

A. Phillips noted the DEC map can be used to verify

A. Phillips reminded the board of the context and scale of the project

7.a through 7.i - board answered "no"

A. Phillips asks if the board wants to continue; notes she will propose staggered site visits

W. Keller reminds that the board cannot break into the site

D. King suggested the board have a special meeting in place of a regular December meeting, noting the date of a regular meeting falls during the holidays

K. All proposed a meeting time of 2:00 PM

A. Phillips will ask the applicant

D. King notes that the applicant has a southern track

W. Keller noted he has a "surprise"; he will volunteer to work on a new comprehensive plan; will go the Town Board

A. Phillips notes the current plan includes a process for 5-year reviews; could be time for a review and updates

N. Brower notes the County assists with plan writing and review

A. Phillips notes there is a process and could help with that

W. Keller will ask the Town Board to be on their next agenda

D. Darling agrees and will ask the Town Board

D. King made a motion to schedule a special meeting, second by W. Keller, adopted unanimously

D. Darling entertained a motion to not have the regularly scheduled meeting

F. Ciulla made a motion to cancel the regularly scheduled December meeting, second by W. Keller,.
Motion carried 5-0.

Special meeting to be held December 13, 2023, at 2 p.m.. Motion carried 5-0.

A. Phillips noted that if the applicant agrees to staggered site visits there will be no public notice

D. King made a motion to adjourn the meeting, second by W. Keller, adopted unanimously

Meeting adjourned at 9:37 p.m.

These minutes were taken by Adam Gallagher in the absence of Liz Page.

Respectfully submitted.

Liz Page,
Recording secretary.