

Town of Harpersfield

Planning Board

Minutes: December 13, 2023 2 p.m. Special Meeting

Present: D. Darling, W. Keller, D. King and F.Ciulla

Also present: L. Page, N. Brower, A Phillips, Camberly VanValkenburg, Steve Puchkar, Russ Hatch, Bill Burdick, Kieth ?, Katharyn Demby, Karen Butler, Dev Kernan and David Cox.

Chairman D. Darling called the meeting to order at 2:09 p.m..

Minutes of the November 29, 2023 meeting, taken by Adam Gallagher, were presented. The minutes were approved as presented on a motion by F. Ciulla with a second by D. King. Motion carried 4-0

D. Darling announced this meeting is not part of the public hearing and the planning board is not expecting public comments today. The public hearing on the site plan application for Mountaintop Airfield, LLC for NYSafety Track remains adjourned to a future date, yet to be determined, and the planning board will continue its review of the Environmental Assessment Review Form.

A. Phillips provided a recap of the Part II EAF Review. The planning board has made considerable progress and although the members felt an on-site visit would help in its review of the project and the long-form EAF, multiple attempts to schedule one have not been successful. An new attorney, who is located out of state, is attempting to reach out and help facilitate a site visit by the members of the planning board. While they were hoping that could take place today in a staggered visit, due to the weather it did not happen. The applicant has now taken the position that in some minutes the board was asked what it needed to see at the site or at the a site visit and there was no response, so they would like the board to confirm what the board needs the site visit for, and also any outstanding items that it wants to receive from the applicant.

W. Keller - Everything is what we want to see.

A. Phillips - We want to make sure the site plan contains all the things at the site. Construction has taken place as verified by DEC and action on the construction has already taken place and a site visit will help the planning board's review. We can continue to attempt a site visit.

W. Keller suggested that if they can't get on the site they can't review. The planning board needs to know that what they are reviewing is what actually exists at the site. If not – Sayanara Charlie. We need to be able to trust that this is the reality.

A. Phillips explained the purpose of the site visit is to review and understand the application.

F. Ciulla expressed concern about the previous staging area and any oil and gas that may have gone into the ground. A. Phillips said the planning board can't speculate. The SWPPP sets the minimum standards for adverse impacts for construction and they have to accept that. It is more difficult because they are reviewing site plan that is already started by the applicant. To require an environmental review of potential contaminants would require knowledge that a spill happened.

D. Darling reiterated that the planning board needs a site visit. We don't need a list of what we are going to look at. There are concerns that what is on the sheet is not representative of what is actually at the site. The visit is needed to know the conditions for review.

D. Darling said they would move forward with the EAF and at some point a site visit is going to have be a part of it before the planning board can complete its review.

They recapped some the items for follow up: At the last meeting there was a part of the EAF that dealt with potential air

impacts. There were some very technical questions and A. Phillips suggested they go back to that section again very quickly. We had marked yes for impacts on air because the applicant's part of the EAF. Answered yes that there would be the introduction of new mobile emissions during normal operations. Because the questions were very technical, A. Phillips looked to DEC for guidance and was referred to DEC staff in the central office with information regarding mobile emissions source. She is still working on it and will follow up with that. The DEC Air Resource Division can be a resource to assist with the review of these things. They will return to the issue when she receives more information.

At the last meeting, the planning board left off at Section 8 – Impact on Ag Resources. The proposed action may impact agricultural resources See Part 1 E, A and B. The board the agreed answer is no. 8 a-f are all no. 8g needs research to see if the county has an ag protection plan. 8h?

Section 9 – Impact on Aesthetic Resources. The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. This is a harder question for the board to answer because it deals with modification to an existing facility. You're not talking about a green field where nothing exists. You have an application before you to construct a new mini-track next to an existing motorcycle track that's been in operation and permitted for more than 10 years. So let's just look at the sections, keeping that in mind, that it's referring us to in Part 1 of the EAF, so E1A, because this is going to tell us if, we have any designated resources. E2c -E3b - no

W. Keller asks if what they are proposing include racing and car racing or even cars.

It absolutely includes cars.

W. Keller said there is a significant difference than what was there and with the nature of sound and how it travels. It is his contention there is an aesthetic aspect. Our plan doesn't talk about visual aesthetics, it talks about pastoral, the agriculture, the rural area here, which does not include racing cars and motorcycles. So right there it's an aesthetic thing.

F. Ciulla said the track is approved for motorcycles but not cars. The hours have been increased and it now includes racing. He believes it is a significant impact.

D. Darling said they have to separate the noise issue, which they will get to, in order to get through the form.

A. Phillips said they must have a rational reason. The form is long and they need to look at everything.

9 was answered no

10. Historic and Archaeological Resources. The board discussed this and all agreed the answer was no.

11. Space and Recreation. The board discussed this and all agreed the answer was no.

12. Impact on Critical Environmental Area. The board discussed this and all agreed the answer was no.

13. Impact on Transportation. yes. It was determined to consult with Davenport Highway Superintendent Fred Utter and Harpersfield Highway Superintendent Russell Hatch to determine if additional traffic has resulted in more damage. Letters should be provided for the record.

14. Impact on Energy. The board discussed this and all agreed the answer was no.

15. Impact on Noise, Odor and Light.

There is a report from the applicant's noise consultant and the planning board consulted with an acoustic engineer. The applicant responded and the consultant responded. The planning board consultant gave his professional opinion that expansion of the scope would not result in new or different impact that could be significant. A study would be needed to determine expansion of the scope

The noise from the mini track if it is operating at the same time as the larger track would be drowned out by the existing

track .

There were many comments from the public regarding noise which were sent to the consultant. Anne Marie Garte who is representing a number of residents also made comments regarding the noise. A response was received from the consultant today. The planning board consultant reiterated that when the two tracks are operating simultaneously the mini track will not create any additional noise. However, the planning board may have to take steps to ensure are actually being met.

The applicant has provided an affidavit saying that they will not violate those conditions.

D. Darling said they planning board needs a more defined schedule of the operations. What are the hours and what machines will be using the tracks.

W. Keller said it is being looked at too simply. It isn't just about decibels. He said the noise changes seasonally, during day and night, weather and temperature. We need to ask the consultant to identify the sound. On the map it is highly variable.

The planning board has not had the opportunity to review the consultant's latest memo. The applicant must propose mitigation and there is not enough information on the application to conclude there will not be significant impact if the scope of operation is expanded.

A. Phillips handed out copies of the memos received from SLR in March and August 2023.

W. Keller - We have to consider what people are saying - that it's too much.

15. Impact on Noise, Odor and Light. yes.

There is impact, but how do we quantify it. Are there measures in place for the operational control.

15a-15d were answered no.

15e - needs a better definition of the hours and the days. Medium to large impact was determined.

15f - Other impacts are moderate to large. There are safety hazards without lighting. D. King said we do have responsibility on how to ensure and to control safety factors of the people who are there. If recreation activities extend beyond dusk, they need to provide lighting which could create sky glow. They need to consider the proposal of expanded scope of uses.

A. Phillips notes she will ask the applicant's attorney to identify any measures to ensure operational controls are implemented.

Another special meeting may be required prior to the next regular meeting in January.

16. Impact on Human Health, a-m. The board discussed the impacts to human health and determined their should be no.

17. Consistency with Community Plans.

The town comprehensive plan was completed in 2003 establishing goals. The goals were to focus on identifying potential impacts and controlling them or mitigating them. To provide a variety of housing options. Environmental protection at Page 54 was discussed, including impact on scenic area and density of development. Also environmental resources, economic development and traffic and the desire to retain rural character.

17. a and b. no

c. if impacts can be controlled. There was extensive discussion on this point.

d-g. no

Other impacts

18. Consistency with Community Character

a. no

b. To get more information on any plans.

c. no

d. no, small

e. no

f. Removal of trees for the new track. We need a site visit to see what buffers remain.

A list will be developed with the specifics for a site visit . A. Phillips can now prepare a comprehensive list on the answers the planning board has left blank, and what they are still looking for additional information on. I think from that, we can provide the list of asks the applicant is requesting and specific things we want to confirm through the site visit.

W. Keller said he plans to discuss updating the town comprehensive plan with the town board at its January meeting.

On a motion by D. King, with a second by F. Ciulla, a special meeting will be held at 2 p.m. on Jan. 18. Motion carried 4-0.

On a motion by D. King, with a second by F. Ciulla, the meeting was adjourned at 5:14 p.m.. Motion carried 4-0.

Respectfully submitted,

Liz Page

Recording secretary.