

Town of Harpersfield Planning Board

Minutes: **Special meeting May 21, 2024**

Present: D. King, W. Keller, A. Gallagher, D. Darling entered later in the meeting. Also present: L. Page and A. Phillips

Deputy chairman D. King called the meeting to order at 2:28 p.m. in the absence of D. Darling. The purpose of the meeting is for the planning board to continue its review of the site plan for NYSafety Track, Mountaintop Airfield LLC. They had been reviewing section 5.040 of the town's Site Plan Law, with factors 1-3 discussed during a special meeting on May 16, 2024.

They are now on section 4.010 under 5.040 and previously made it through items 5 during the previous meeting. They will begin today at item #6.

6. Water supply and sewage disposal facilities.

The board discussed what water and sewage service is on the property. There are no changes to the water and sewage proposed on this application. The board needs to consider if the proposed change in scope and usage would have an effect on the facilities and if they are adequate for what is being proposed. The board discussed whether construction of the mini track result will in more people at track. The applicant has said the mini track will not increase the number of participants. Those using the mini track would be the children of those on the existing track. The Planning Board asked the applicant to confirm if it would be limited to kids with parents that already have reservations and if there would be separate events scheduled for the mini track on the same day the main track is operating. There has been no clear, direct response to that question in the latest submission. The board discussed whether the existing facilities adequate for the changes being proposed including the expanded scope of uses.

D. King said they are advertising camping at a facility that was never set up as a campground. There is no sewer system for campers or trailers and it is unknown by the planning board if there is a collection system or something for the gray water, for showers and families to use.

If it is not restricted to just those people already there with a family using the other track.

W. Keller said the with camping comes the need for sewage disposal that would come under state Department of Health regulations. He asks what is required for operation of a campground.

If they are seeking approval, they have not asked and they have said they don't. However, information on line indicated there is camping this season.

At this time, camping is not permitted and they are not asking for approval to have camping. Therefore, it remains prohibited.

W. Keller – questioned whether we need to consider air show that was mentioned a while back. With this we don't know and they haven't addressed this, but they have alluded to it, so where have you gotten permission - it is not in the site plan, but the supposition is there.

A. Phillips said camping is already prohibited and they have not asked for approval to conduct air shows.

The board discussed the expanded scope of uses and improvements that have been proposed. D. King said they should not allow it. What was presented to the planning board is a private facility. The same for the sewer.

A. Gallagher said it is a reasonable assumption that there would be an increase in the number of people

at the site based on what they are proposing and advertising, but the application has not addressed that potential. It was noted there are conflicting representations about how many people they have on a given day.

W. Keller - It does not account for the potential increase in people or days of use.

Board members generally agreed the potential is there. It was noted they have not said use of the mini track would be limited to the people already at the existing track or that others would be prohibited.

The consensus was the application would create the potential for more people, but the planning board does not have enough information to determine the existing systems are adequate for that increase.

7. Trees, shrubs and other landscaping as it refers to buffers. The planning board is only able to see a shot of what was there. They have not been able to do a site visit to confirm what is there and if what they have already constructed includes any visual or noise buffers. They have already cleared trees so that is not maximum retention of existing vegetation. Is here another location that may have avoided the removal of trees. No one has said and the Planning Board was not able to conduct a site visit to observe if there are any buffers that remain.

Nothing they have proposed would mitigate that. They have proposed a berm with landscaping in an area that previously had acres of trees. In the SLR note in March, the study submitted by the applicant does not quantify how the existing trees (which have already been removed in violation of the stormwater permit) and now missing trees would effect the noise levels. The trees that were removed were between the existing track and neighboring properties.

In May 2023 the consultant said removal of a woodland occurred prior to the sound survey, so it did not effect the sound measurements. It is not accounting for any buffering of the four acres of trees that were there.

They have proposed a berm with Evergreen trees to replace them. Is that adequate? The consensus is there is not enough information to confirm if the one berm that is proposed it is adequate or provides a real buffer between the expanded commercial use and neighboring properties to the south.

The planning board was never able to have a site visit to see what if any existing vegetation remains on the project site in that area. All agreed the berm that is proposed next to the mini track does not provide no noise mitigation for the expanded use of the existing track that is part of this application.

8. Fire lanes and emergency zones. The applicant did supply an emergency response plan in January. They identified existing driveways and pavement could be used by emergency vehicles. No fire hydrant exists on site due to the rural nature of the site.

The plan stats there are extinguishers in all areas of the facility and 911 would be called in the case of an emergency. Speed dry is used to stop and hold any oil spills. No oil is stored on the site or sold on the site.

EMS and ambulances were discussed. A certified EMT is on site along with a DOH certified ambulance. 911 is dialed as needed. It states the facility is a licensed landing zone with Lifenet (air ambulance). Currently they are advertising for EMTs. The consensus of the planning board is that it is adequate.

9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or nuisances.

The neighbors or the public are not able to see the track from the public road. The planning board has not received any complaints related to unsightliness. There is the potential for glare from vehicles leaving the facility after dark. There is an optional lighting plan, but it is lacking enough information to determine if there would be an issue or glare for neighbors from the lights if the hours of operation are extended.

It is blurred as to whether there is a need for outdoor lighting. They are proposing to use the track for recreation until 8pm and the site for grilling or socializing until 10pm. But they first said no outdoor

lighting was needed or proposed and then submitted an optional lighting plan.

Protection of adjacent or neighboring properties against noise. This relates back to comments provided by the planning board's acoustic consultant SLR. If the days and hours are extended or they have racing a comprehensive noise study is needed. Mitigation of the mini track noise was a web camera and sound meter, but it is inadequate for the reasons that were explained in the chairman's letter. You need a noise study to address noise from both tracks from the increased days of operation.

The consensus of the planning board is that without the noise study, there is no way to determine other properties are protected from noise or glare. SLR's findings were discussed and their recommendation not to approve without a noise study that they described, and the board agreed. They say the micro track (mini track) will be operated when the main track is open, on the same days and at the same time in order not to increase the noise level. But how can the planning board confirm they are abiding by these conditions? What they proposed is not sufficient mitigation.

D. King said it has to be based on four days per week. The consultant said the days of operation should not be increased without a sound study.

Residents have indicated to the planning board members and they have confirmed through their advertising for the track that they are planning on operating more than four days per week. A. Phillips said it would be arbitrary to ignore that.

The planning board consensus was that they could not rely on that affidavit, as they are already seeking to expand, according to what is advertised online. There are days that say private, but they are advertised as having events.

The consensus of the planning board is they would not approve the application because they cannot say properties will be protected.

10. Solar access – There was consensus that solar access should not be impacted.

11. Adequacy and impact from ponding, flooding or erosion. There has been public comment of concern about run off from hard surfaces. The board discussed this factor and found that the area of the proposed new track is not identified as being susceptible to ponding or flooding.

12. Impact on the neighborhood, including compatibility of design consideration. The board felt there would be an impact on the neighborhood due to increased traffic and noise.

Nothing can be viewed from the public roadway, but there is noise and the possibility of glare from the new improvements and expanded scope. The board referred back to the previous discussion. The comprehensive plan and law say uses should not be prohibited if their impacts can be mitigated. There was consensus that the changes proposed would have a negative impact and they cannot say those impacts have been sufficiently mitigated or eliminated.

13. Adequacy and impact of structures in areas of steep slopes and along ridge lines. Part II of the Environmental Assessment Form. SLR asked was ask to confirm if the new construction was in an area of 15 percent slope or greater and it does not appear that they are. The board discussed and acknowledged comments from the public that the facility is at a higher elevation than the surrounding area and that causes noise to travel which is another reason why a noise study is needed before any expansion is approved.

The board discussed its findings and next steps. A. Phillips said the applicable laws create the rules the planning board has to follow. They can't approve anything without SEQRA being complete and the planning board has to consider everything the applicant is proposing as part of the action.

They cannot just give a negative declaration on parts of the application. They must consider everything as a whole when making a determination of significance. The same is true of the Site Plan Law. If the

planning board denies the application, they must explain it. But the board does not have to make a determination of significance under SEQAR if the action they are taking is to deny an application. The board discussed and there was consensus that the application does not meet the standards of the town's Site Plan Review Law and that a resolution denying the application should be considered.

A motion was made by A. Gallagher, with a second by W. Keller to have the planning board's counsel draft a decision document (resolution) memorializing their findings under the Town's site plan review law for their consideration at the next meeting. Motion carried 5-0.

W. Keller said he was attending a conference on groundwater, which is still one of his main issues. He said the town has approved updating the Comprehensive Plan with A. Phillips to assist, along with county planning personnel.

On a motion by D. King, with a second by W. Keller, the meeting was adjourned at 4:32 p.m.. Motion carried 5-0.

Respectfully submitted, Liz Page

Recording secretary