

**VILLAGE OF MANCHESTER
REGULAR PLANNING BOARD MEETING
AND PUBLIC HEARING
8 CLIFTON STREET
OCTOBER 09, 2018**

PUBLIC HEARING

Present: Judy Robinson, Chairperson
Vincent DelGatto, Jr
Jennifer Davis
Jake Kennelly
Sean Schumacher

Absent: Laurent Gurewitch

Others Attending: Marty Barnett, Code Enforcement; Patrick Nicoletta, MRB Engineering; Melissa Keifer, Todd Wheeler, Oldcastle Lawn & Garden; Jack Melsom, Sean Gallivan, Green Renewable; Marlene DeGloma, Christine DeCook, Anthony Cirulli, Stephanie Man, Frances M. Insalaco, Sam Presley III, Michael Buttaccio, Bruce (last name unavailable)

Recording: Rita J. Gurewitch, Village Clerk/Treasurer

Chairman Robinson opened the **PUBLIC HEARING** 7:00 pm.

The Clerk read the legal notice that was posted in the Daily Messenger on September 20, 2018 and mailed to everyone within 500' of 155 State Street. Oldcastle Lawn and Garden, Inc. would like to increase manufacturing of mulch and soil products; increase pallet storage; build 8 landscape bins; install a second work line; and request the hours of operation for the bagging plant to be 24 hours, 7 days a week.

Ontario County comments were received and retained as a Class 1 and the only requirement is to consider their comments.

Chairman Robinson asked Melissa Keifer, Oldcastle representative, to explain what they would like to do.

The first concern, voiced by Marlene DeGloma, Chris DeCook, and Frances Insalaco, is the trucks. They are going past the entrance to Oldcastle if coming from NYS Route 96 and then trying to back up, or trying to enter through the dead end Bennett Avenue. Lawns are being damaged. Mr. Gallivan said they could reposition the sign so trucks can see it better. They have worked with truck dispatch to improve directions. They also requested signage from the Department of Transportation (DOT) but were denied. They are going to the Town of Farmington Planning Board tomorrow evening and will request a no trucks sign and other signage prior to entering the Village of Manchester.

Other concerns included, noise, odor, lighting coming through their homes, working past and prior to hours of operation. Craig Record, neighbor to the west and lives in Farmington, wants some quiet days. He stated that the noise begins at 5:40am, starting up equipment, lights, and a propane smell.

Marlene DeGloma submitted a petition to the Planning Board with 31 signatures opposing the changing of hours of operation. She also presented a letter from Richard Cirulli, property owner at 149 State Street which the clerk read out loud at the meeting. He is against changing the hours of operations. He feels that it could get noisier and they should be fined. He also gave advice on air quality, environmental studies and if not met, shut them down. Signed by Richard Cirulli.

Marlene DeGloma asked Sean Gallivan to explain how the mulch is made. Mr. Gallivan explained and the current location of the raw products will be moved to the new location (south of railroad tracks) soon. They are in transition.

Pauline Sowa commented that noise in the daytime is different than noise at night. It can be magnified to be much louder.

Mr. Gallivan stated they will be working inside the building during the night and there is enough storage for 3-4 days of production. Then will be moved outside during daytime hours. Grinding will be done during the day.

Mr. Record again commented about the noise. 5:30am is too early to wake your neighbors. This time is outside the current hours of operation.

Ms. Insalaco would like to have a quiet Sunday.

Mr. Gallavan stated he is forced to have product ready at a set time. When customers, Lowes, Home Depot, want their wood chips, we deliver and we stay in business. We provide jobs for local people. Also, Mother Nature directs the workload.

Member Jake Kennelly asked Mr. Gallivan, that if approved, can there be staging at night? Mr. Gallavan replied yes.

Sam Presley said he understands about business. He knows fork lifts and machinery. They make noise. Truck traffic will increase.

Chairman Robinson asked Mr. Gallivan what he could offer the residents that would help the situation.

Mr. Gallivan said: They will work on signage, there will be “no truck idling” signs put up, and stage pallets during the day, not at night.

Member Jen Davis lives near the plant and indoor stuff is heard now and stone will be louder, the second line will be louder.

Chair Robinson asked if someone was there 24 hours now? Mr. Gallivan: Yes. Plant management is there and we can supply a phone number to call anytime, day or night.

Jen Davis said that would be good, to call at the time it happens. Waiting to the next day can turn into days finding the time.

Ms. Robinson reminded everyone that Industry is there, in a zoned Industrial area, with a permitted use on site. So we need to give and take and compromise.

Jen Davis likes a person to be available 24 hours.

Craig Record stated maybe permanent dark sky lighting could be in place.

Sean Gallivan said they use portable lighting, they could put “umbrella’s” over them to direct the light down.

Frances Insalaco said the lights shine into her house.

A brief discussion occurred on whether or not to keep the public hearing open to a later date.

Chair Robinson asked if there are any other comments. Would anyone like to speak again? She asked again if there are any other comments. There were no further comments.

The Public Hearing was closed at 8:00pm.

REGULAR MEETING

Present: Judy Robinson, Chairperson
Vincent DelGatto, Jr
Jennifer Davis
Jake Kennelly
Sean Schumacher

Absent: Laurent Gurewitch

Others Attending: Marty Barnett, Code Enforcement; Patrick Nicoletta, MRB Engineering; Melissa Keifer, Todd McKay, Oldcastle Lawn & Garden; Jack Melsom, Sean Gallivan, Green Renewable; Marlene DeGloma, Christine DeCook, Anthony Cirulli, Frances M. Insalaco

Recording: Rita J. Gurewitch, Village Clerk/Treasurer

Chairman Robinson called the meeting to order at 8:02 pm

A motion was made by V. DelGatto to approve the September minutes, seconded by J. Davis, voted on and unanimously approved.

OLDCASTLE LAWN & GARDEN – 155 STATE STREET

Mr. Gallivan informed the Board that the Department of Environmental Conservation (DEC) was at Oldcastle today and found no issues. The Board would like a copy of that report.

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) RESOLUTION
DESIGNATING LEAD AGENCY**

The following Resolution was made by Member Sean Schumacher: Seconded by Member Jake Kennelly to wit:

WHEREAS, the Village of Manchester Planning Board (hereinafter referred to a Planning Board) has on Tuesday, September 4, 2018 declared it intent to be designated the Lead Agency for Oldcastle Lawn & Garden under the provisions of the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Planning Board has provided written notices to the effect to the involved and interested agencies; and

WHEREAS, the Planning Board has not received any written objections from the involved agencies to the Board's being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Planning Board has previously determined that it is the most appropriate agency to insure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED THAT THE Planning Board does hereby designate itself as the lead agency for the Action identified above herein.

The above resolution was put to a roll call vote as follows:

Judy Robinson, Chairperson – “AYE”
Vincent DelGatto, Jr – “AYE”
Jennifer Davis – “AYE”
Jake Kennelly– “AYE”
Sean Schumacher– “AYE”

The resolution was thereupon declared duly adopted.

The Board proceeded to review Environmental Assessment Form (EAF) Part 2 and Part 3 of the SEQR.

SEQR RESOLUTION – DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE

The following Resolution was made by Member Sean Schumacher, Seconded by Member Vincent DelGatto, Jr. to wit:

WHEREAS, the Village of Manchester Planning Board (hereinafter referred to as Planning Board) has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 on the Action prepared by the MRB Group; and

WHEREAS, the Planning Board has completed the coordinated review and public comment period provided for under the SEQR Regulations, and

WHEREAS, the Planning Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action, and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the Full Environmental Assessment Form Parts 1, 2, and 3.

NOW THEREFORE BE RESOLVED, that said Action WILL NOT result in any significant adverse environmental impacts based the review of the Full Environmental Assessment Form; and

BE IT FINALLY RESOLVED that the Planning Board does hereby make a Determination of Non-Significance on said Action, and the Chairperson is hereby directed to issue the Negative Declaration as evidence of the Planning Board determination of environmental non-significance.

The above resolution was put to a roll call vote as follows:

Judy Robinson, Chairperson – “AYE”
Vincent DelGatto, Jr – “AYE”
Jennifer Davis – “AYE”

Jake Kennelly– “AYE”
Sean Schumacher– “AYE”

The resolution was thereupon declared duly adopted.

Mr. Gallivan wants 24 hours of operations; Chairperson Robinson said she would like finite hours. Mr. Gallivan stated it won't really be 365 days per year. We are requesting the maximum so we don't have to come back again. We are providing jobs.

The clerk noted that Green Renewable and Oldcastle have different hours of operations.

Member Sean Schumacher said he would have to vote no if 24/7 hours of operation. There will be more lighting, more trucks.

Chair Robinson stated not everyone will get their way. Separating Peak season is off the table. Peak is all year. A long discussion proceeded as to the hours of operation for Oldcastle. A determination was reached.

Outside working hours: Monday through Saturday 7:00 am to 9:00 pm; Sunday 7:00 am to 12 noon.

Inside working hours: Monday through Sunday, 24 hours, 7 days/week, 365 days/year.

An emergency hotline telephone number is to be provided to call immediately with any grievance.

Items that need to be addressed: Signage with Farmington, Truck noise/idling, dark sky compliance on lighting and meet the requirements of the Village Engineer MRB Group.

Chair Judy asked Code Enforcement if there was anything the Board should know, any present issue. Deputy Code Enforcement Officer, Marty Barnett, said “no”

The Board reviewed comments from the **Ontario County Planning Board Meeting September 12, 2018.**

1. While pallet storage does not change impervious coverage, it does have the potential to concentrate stormwater flows. Depending on the soil and slope characteristics of the parcel, the referring body may want OCWSD or their town engineer to examine potential for stormwater impacts from the 21.4 acres proposed for pallet storage.

Oldcastle response: Stormwater will continue to flow as directed and the site will maintain the same stormwater controls. Facility already had pallet storage in areas so flows will be maintained.

2. What is the proposed height of the pallet storage?

Oldcastle response: Up to 12 feet.

3. The site plan does not identify required 20% vegetated open space.

Oldcastle response: Added to map.

4. Area of material piles to remain is not indicated on site plan.

Oldcastle response: Identify of surge pile areas is included on maps.

5. Annexation materials should reference Village of Manchester and Town of Farmington and should follow New York State procedures. The Town of Farmington has indicated they do not support the annexation.

Oldcastle response: Oldcastle has submitted site plan changes to the Town of Farmington.

6. Before rail off-loading and loading commence, the Planning Board should review and refer a revised site plan and operations plan outlining expected hours of operation, movement of goods, maintenance of through rail traffic, and access road emergency vehicle access.

Oldcastle response: Oldcastle will include the hours of operation in the Statement of Operation.

Oldcastle will be off-loading on the main line near the landscape bins and the movement will be close to the building. Maintenance of through rail traffic will be done with Finger Lakes Railway who supports this project. Emergency vehicle access is shown on the plan.

7. Site access from State Street should be indicated on the site plan.

Oldcastle response: Site access added.

8. Applicant to clarify whether 5 landscape bins (as stated in letter of intent) or 8 landscape bins (as shown on the site plan) are proposed.

Oldcastle response: Plans were revised to have 8 landscape bins.

Member Jennifer Davis recused herself from voting on the final site plan due to living near Oldcastle. Accepted recusal as County Planning classified their return a Class 1, not needing majority plus one vote.

RESOLUTION – FINAL SITE PLAN – OLDCASTLE LAWN & GARDEN, INC.

WHEREAS, the planning board has considered the application of Oldcastle Lawn & Garden, Inc. in detail, and under advisement of the village engineer, and

WHEREAS, according to the village's 2005 Comprehensive Plan, a survey stated over 90% said 'yes' to *Should the Village actively encourage business and industry to locate in the Village?*, and according to the 2006 Strategic Plan, Community Wide Goals stated to *promote and encourage light industrial development in the southwestern portion of the Village...*, and

WHEREAS, the Ontario County Planning Board reviewed the application determining a Class 1 return to consider their comments which were reviewed; and

WHEREAS, hours of operation are as follows:

Outside working hours: Monday through Saturday 7:00 am to 9:00 pm; Sunday 7:00 am to 12 noon.

Inside working hours: Monday through Sunday, 24 hours, 7 days/week, 365 days/year; and

WHEREAS, the granting of this application will not be detrimental to the public good and will have no significant environmental impact; and

WHEREAS, an emergency hotline telephone number is to be provided to call immediately with any grievance; Provided 10/19/2018: 585-257-4355; and

WHEREAS, items that still need to be addressed include, Signage with Farmington, Truck noise/idling, dark sky compliance on lighting, and meet the requirements of the Village Engineer MRB Group, including map changes: School Land Zoning should be Institutional not Industrial, the 24' gravel access drive to Tamarac property should be depicted on the existing conditions map and a note explaining the land disturbance or no land disturbance on site; and

THEREFORE, LET IT BE RESOLVED, that Oldcastle Lawn & Garden, Inc. be granted final site plan approval with the conditions set forth above and hereafter.

BE IT FURTHER RESOLVED, that project will not begin until permits (if applicable) have been issued by all governmental agencies involved (State, Federal & Local), and fees paid.

The above resolution was offered by Sean Schumacher, seconded by Vincent DelGatto, Jr., and put to a roll call vote as follows:

Judy Robinson, Chairperson – “AYE”

Vincent DelGatto, Jr – “AYE”

Jennifer Davis – recused

Jake Kennelly– “AYE”

Sean Schumacher– “AYE”

The resolution was then duly declared adopted.

Chairman Judy Robinson distributed training information for upcoming classes. One was the Fall 2018 Regional Workshop held by the Genesee/Finger Lakes Planning Council and the other was local presentations by Ontario County Planning.

The next Planning Board meeting date falls on Election Day. The meeting will be postponed until Tuesday, November 13, 2018 at 7:00 pm.

The meeting adjourned at 9:45 pm.

Respectfully submitted,

Rita J. Gurewitch
Village Clerk/Treasurer

Draft