

VILLAGE OF MANCHESTER
PUBLIC HEARING AND REGULAR PLANNING BOARD MEETING
8 CLIFTON STREET (FIRE TRUCK BAYS DUE TO PRECAUTIONS)
DECEMBER 15, 2020
COVID 19 PRECAUTIONS IN PLACE

Present: Judy Robinson, Chairperson
Jake Kennelly, Co Chairman
Laurent Gurewitch
Patricia Skolny
Patrick Nicoletta, MRB, Village Engineer

Absent: Vincent DelGatto, Jr; Sean Schumacher, Alternate

Others Attending: Marty Barnett, CEO; Donald Zee, Atty., Sean Gallivan, Jeff Mantell, Jack Melsom, Jim Gavern, Harry VanSaniti, Tamarac Farms, Inc., Green Renewable; Craig Record; Frances Insalaco; Nick Costa, Advanced Engineering; Eli Young, Donald Germatl, Zoladz Construction; Bruce Habberfield, FingerLakes Railway; Jeff Gallihan, Town Supervisor; George Hotchkiss, Jeff Liberati, Michael Buttaccio Village of Manchester.

Recording: Rita J. Gurewitch, Village Clerk/Treasurer

PUBLIC HEARING

Ms. Judy Robinson opened the Public Hearing at 7:00 pm.

The Clerk read the Public Hearing notice that was posted in the Messenger Post (Daily Messenger) and notified everyone within 500' of the Tamarac Farm property of this Public Hearing for Green Renewable, Inc.

Mr. Donald Zee, Attorney for Sean Gallivan and Nick Costa, Engineer for Mr. Gallivan addressed everyone with the project plans to add a building on the 15 acre parcel in the Village of Manchester own by Tamarac Farm, LLC. Mr. Zee continued on saying that pursuant to Site Plan Approval in 2017, the Grinder needed to be in a building. They want to install a 2000 square foot pole barn. According to said site plan and a letter from the building department, trees are to be planted as a buffer. They are seeking a waiver to not plant trees on the Town of Manchester border (south side).

Mr. Zee continued speaking; stating the ingress, egress is zoned on the Oldcastle site and is not in the Village of Manchester, but in the Town of Farmington.

The proposed Pole Barn meets all set backs of Village Code. It is a 40' x 50' building to house the grinder. They will bring in processed materials, then screen, then grind 6" material to 2-3 inch size. After grinding it down, then they will color it.

In regard to operations, Mr. Zee referred to an email from Sally Rowland, DEC dated November 24, 2020 than Green Renewable meets the Department of Environmental Conservation (DEC) section 360.12 regulations, the email mentions the following: *to accept materials that are considered products... are exempt. Woodchips that are uniform in size, quality, and overall appearance, without debris (dirt, etc.) that could be legitimately marketed by themselves are considered a product. Therefore, a facility such as yours in Manchester, is exempt from Part 360 for further processing a woodchip product. Please note that the Department can request additional documentations to verify that the woodchips received are indeed a product.* ~Sally Rowland, Ph.D, P.E. DEC

Ms. Robinson stated that there is more information concerning is exempt or not. There are four options. 1.) Entire operation needs DEC permit. 2.) Part of the operation needs DEC permit and other parts are Exempt. 3.) Entire operation is Exempt from permit requirement. 4.) Operation requires registration.

Mr. Zee said all their other operations are exempt under section 360.12. This is a beneficial use. This village, this county, all benefit and don't complain.

Ms. Robinson reiterated it very well could be exempt, but the DEC has said it may be exempt according to the product.

Mr. Gallivan said he feels like he is being beat up here. Sally Rowland said we were exempt. Just address the Pole Barn. We are putting up a pole barn to put the grinder in as you asked. We would get a registration if we were required to.

Mr. Zee wants a vote tonight contingent on what the Planning Board wants. Their suggestion not to go forward until seeing county modifications are met can be put in contingencies.

Ms. Robinson suggests the project be looked at as a whole. One has to do with the other.

Mr. Gallivan re-stated that they have approval from the Planning Board in 2017.

The Board wants to have verification before going forward. Mr. Zee understands that. It can be contingent.

The Board wants the DEC to have numbers so they can give the Planning Board that knowledge concerning permits or not.

Fire issues were brought up. Mr. Gallivan stated that they have “best practices” format and practices. They maintain the regulated heights and widths. They purchased a fire truck from the Village. Jack Melsom stated the piles are probed 2X/month, maximum 140°F, if over, then moved around.

Mr. Gallivan reiterated that this is just putting a grinder into a building as was requested in 2017.

Ms. Robinson said we appreciate your position, please appreciate ours. We are just protecting the residents. You want shipping to start at 5:30 am.

Green Renewable has received correspondence from customers they need the product early. Mr. Gallivan stated they will lose customers if they can’t start then.

Craig Record – neighbor to the west. In looking at the site plan, the grey gravel area, is that suitable?

Nick Costa, Engineer for Green Renewable, the pond is still valid from 2017. If we disturb more than 5 acres, a SPEDES permit is needed.

Craig Record exclaimed that Green Renewable is larger today than it was three years ago. It is HUGE now. Noise is substantial. Trucks are extremely loud. His concerns include the hours of operation, there is debris all over, the swing gates on the trucks wake him up.

Mr. Gallivan said there was a construction project going on this summer. The noise should be less now.

Craig Record said again that the noise was excessive, but at least someone responded. He personally thanked Jim Gavern for answering his calls.

Mr. Record saw whole trees going through the grinder. The noise almost drove him crazy.

Ms. Robinson informed Mr. Record that if you build near an Industrial Zone, loud noise should be expected. Unreasonable to expect no noise. We need to acquire some balance for everyone. During working hours, yes, not during the night or early morning. We need to determine hours. Green Renewable, Oldcastle; Farmington, Village. 5:00 am start she feels is not reasonable. It will be 4:00 am.

Mr. Costa stated that the building opening will be the south side. Cannot be an enclosed building due to carbon monoxide build from grinder.

Ms. Robinson asked what is Plan B if the noise is still bothersome.

They said that they would put hay bales and trailers around the building. There have been no noise violations as yet.

Jeff Gallahan, Town Supervisor, addressed the Board. He remembers the 1960’s with the train engines and the noise they conveyed. That went on for many years. We need to keep and support business in our community. We need to communicate better. Call Green Renewable, call Code Enforcement, call the village. We are trying revitalization now. There is going to be noise. He wants to see more communication. Always need to protect the people, he knows. Keep communication open. He only has two more weeks at Town of Manchester Supervisor before he becomes the 141st Assembly District representative. Call him. He’ll listen.

The Board discussed if to close the Public Hearing or leave it open until next month until more answers are available. Ms. Robinson and Village Engineer Pat Nicoletta advised not to give Final Site Plan approval tonight.

Member Patricia Skolny made a motion to leave the Public Hearing open until the next Planning Board meeting, January 5, 2021.

More answers will be available by then.

Mr. Gallivan – I just want to put up a pole barn. It’s a pole barn. It houses a grinder. We are NOT expanding. Can we put up this building? I just want to put up this building to house a grinder.

Now interrupting, arguing back and forth. People talking over other people. Can't make out what is being said.

Ms. Robinson calls for order.

Pat Nicoletta read the Ontario County modifications from their comments. Modification #1 wants the Manchester Planning Board to address any violations and that the applicant is committed to operating within the parameters specified on the final approved site plan, additional site plan conditions be in the authorizing resolution, and the NYSDEC regulations for exempt mulch processing facilities and regulations applicable to other on-site activities. Modification #2 is that the Planning Board receive documentation from the DEC sufficient to satisfy County raised concerns on potential invasive species in mulch.

Mr. Gallivan repeated that they are already here. They were approved in 2017. They have the same practices as in 2017, they are just putting up a building.

Ms. Robinson said if we (planning board) want to move a little slower, it's to watch over the village.

The clerk stated that there is still a motion on the floor. Patricia Skolny previously motioned to keep the Public Hearing open until January 5, 2021. No second to the motion.

Donald Zee informed the Board that there could be an employment issue.

Member L. Gurewitch asked if that was a vague warning. We have been very accommodating.

Sean Gallavan – *I think it's important that if I said it once I said it five times, I just want to put up a building. How does one have to do with the other?*

Ms. Robinson went back to Sally Rowland email. It was not an official exemption. Re-read Greg Maclean response.

Sean Gallavan – we have two other facilities in (DEC) Region 4. They do not go through this.

Ms. Robinson said she is not challenging him. We represent the people of this village.

Jack Melsom – *If I had known what was needed tonight and not January 5th I would have it here. All products are ok'd by the DEC.*

Donald Zee – *all this talk about emails back and forth quoting Greg Maclean, there is no need to go back to emails. Go back to DEC.*

Sean Gallivan said emails have no bearing on putting up a pole barn.

Ms. Robinson explains again that the four options are still applicable. Need full permit, part of a permit, entirely exempt, or just registration.

Sean Gallivan said with all due respect, the SEQR is a Type II. An Unlisted was done. We need it to help our employees.

Donald Zee agreed and stated with all due respect, this action is a Type II with the DEC. He said the board waits three years to say this now.

Ms. Robinson stated that all this came to light now.

Jack Melsom said that after meeting with Steve and Marty they didn't shut them down. The dialog went back and forth.

Member Jake Kennelly asserted that everyone is seeking solutions to end this and work together. He asked what do they mean that the SEQR affects their employees. Explain that if no pole barn they may not be employed. Saying not employed this Christmas.

Sean Gallivan said if they have no vendors they will have to lay off employees.

Craig Record – *if this building quiets it down, I'm all for it.*

Ms. Robinson said this is an ongoing facility. Modifications happen in the field. Changes must be shown on the site plan.

Marty Barnett, Code Enforcement Officer, stated they never were to grind outdoors. Grinding indoors is at the Oldcastle building.

Green Renewable moved it inside. Oldcastle/Green Renewable, the same.

Mr. Gallivan said they are very accommodating. They run by their best practices policy.

Pat Nicoletta said the reason the Planning Board went to an Unlisted action is because it was a changed application.

P. Skolny's motion to keep the Public Hearing open remains on the floor. J. Robinson seconds the motion resulting in a roll call vote:

J. Robinson – 'Aye'
Jake Kennelly – 'Nay'
L. Gurewitch – 'Nay'
P. Skolny – 'Nay'
V. DelGatto, Jr. – absent

The motion was not carried.
The Public Hearing closed at 8:45 pm.

REGULAR MEETING

Ms. Robinson called the meeting to order at 9:00 pm.

A motion was made by L. Gurewitch to approve the November minutes, seconded by J. Kennelly, unanimously approved.

GREEN RENEWABLE, INC APPLICANT; TAMARAC FARMS LLS OWNER – TAX MAP NO. 31.20-1-22.000

The Board reviewed MRB Group's letter dated December 15, 2020 and the decibel information provided by Green Renewable.

J. Robinson says the well is still an issue. According to Village Code, no well will be in the village.

Jack Melsom – Green Renewable still practices DEC standards even if there are not required, exempt or not. The DEC is slow to respond and may not reach an answer soon.

P. Nicoletta – personally reach out to them.

J. Robinson offered her assistance to communicate with the DEC.

Continuing reviewing the MRB letter, the Board asked if Green Renewable has a 5 Year Plan. Mr. Gallivan said I don't have any plans. There will be no change in the number of trucks. There will be no increase in trucks.

P. Nicoletta – It is an unlisted action now. There is some disagreement. He advised the Board that they can go ahead with the Unlisted Action and proceed with the SEQR or change it to a TYPE II and be done with the SEQR.

L. Gurewitch motioned to change the action from an Unlisted Action to a TYPE II Action, seconded by J. Kennelly and put to a roll call vote as follows:

J. Robinson – 'Nay'
J. Kennelly – 'Aye'
P. Skolny – 'Aye'
L. Gurewitch – 'Aye'
V. DelGatto, Jr. – absent

The motion was carried to change the action.

P. Nicoletta asked when is construction planned. The hours of operation are to be determined.

J. Kennelly understands that everyone would like to come to decision. What is the length of time needed to get all the information together? It was determined it would take a few weeks including the full statement of operations.

J. Robinson asserted the Board has been very accommodating. The current requested hours (Shipping M-S 5am-11pm All year; Manufacturing M-S 7am-11pm (FEB-JULY) PEAK; Manufacturing M-S 7:00 AM to 7:00 pm NON-Peak) are not reasonable.

Mr. Donald Zee said that the one Public comment was not from a resident of the village. The other person said nothing.

J. Kennelly asserted that the intent here is to put up a barn. The point objective is to put up a barn. His recommendation is to approve, but to start a 7:00 am and not 5:00 am.

Mr. Gallivan insisted that they have customers that they can't show up at their facilities at 8:00 am. They will lose those customers. The Board said they can ship earlier the day before.

L. Gurewitsch made a motion to change the start time to 7:00 am amending the 5:00 am start time as shown on the site plan. P. Skolny seconded.

Prior to vote the Board asked P. Nicoletta to review the necessary conditions needed.

- All County comments must be addressed as noted, Modification 1 and 2.
- Minutes requested from the applicant of the response dialog with County Planning.
- Documentation that that the DEC classifies this facility as exempt or if registration is needed and respond to invasive species questions.
- Add a note on site plan that no expansion is proposed for the next 5 years and if any changes are requested or expansion needed it must be presented to the Village Planning Board. This includes changing the hours of operation.
- A Full Statement of Operations is to be added to the site plan and no shipping or manufacturing is to start before 7:00 AM. Also add frequency of checking the pile temperature for fire prevention purposes.
- Screening of property was discussed along the south boundary line. Tree planting is required.
- The well use must be addressed as a previous condition was not to withdraw ground water. PB Chair will follow up on this item.
- No increase in truck traffic was noted. Provide an estimate on the number of trucks currently operating on a daily basis. Peak and Non-peak.

Ms. Robinson asks that all MRB comments are met with. That all permits required are met. She feels that the Board needs to know the overall development at this site and believes that the project is beyond the scope of the application. She would like the County comments met. She asked Code Enforcement if as presented if he felt ok about it. Affirmative from M. Barnett.

RESOLUTION – FINAL SITE PLAN – GREEN RENEWABLE, INC.

WHEREAS, the planning board has considered the application of Green Renewable, Inc., tenant; Tamarac Farm, LLC, Owner, in detail, and under advisement of the village engineer, and

WHEREAS, according to the village's 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 Village Strategic Plan, Community Wide Goals stated to *promote and encourage light industrial development in the southwestern portion of the Village and work with the Industrial Development Agency to market the Village to potential businesses that may be making relocation decisions*, and

WHEREAS, the Ontario County Planning Board reviewed the application with the recommendation of approval with the following modifications: Modification #1 - wants the Manchester Planning Board to address any violations and know that the applicant is committed to operating within the parameters specified on the final approved site plan, have additional site plan conditions in the authorizing resolution, and check the NYSDEC regulations for exempt mulch processing facilities and regulations applicable to other on-site activities. Modification #2 is that the Planning Board receive documentation from the DEC sufficient to satisfy County raised concerns on potential invasive species in mulch, and

WHEREAS, the applicant shall continue to work on providing information to the satisfaction of the village engineer; and

WHEREAS, hours of operation: Shipping hours will be Monday through Saturday, 7:00 am to 7:00 pm, January-March and November-December; April-October, 7:00 am to 8:30 pm. Manufacturing hours will be Monday through Saturday, non-Peak months 7:00 am to 7:00 pm; peak months (February-June) 7:00 am to 11:00 pm, No Sunday hours; and

WHEREAS, the Town of Farmington and the Town of Manchester has determined that no local review will be required for the portion of the project in their towns; and

WHEREAS, designating at TYPE II action for SEQR, it was determined the granting of this application will not be detrimental to the public good and will have no significant environmental impact; and

WHEREAS, a Certificate of Occupancy/Compliance will not be issued by the Code Enforcement Officer until all details are met; so

THEREFORE, LET IT BE RESOLVED, that Green Renewal, Inc. be GRANTED final site plan approval CONTINGENT with the conditions set forth above and hereafter. See MRB comments above for additional necessary conditions.

BE IT FURTHER RESOLVED, that renovation 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 Laurent Gurewitch, seconded by Patricia Skolny, and put to a roll call vote as follows:

Judy Robinson	Voting	“NAY”
Vincent DelGatto	Voting	absent
Laurent Gurewitch	Voting	‘AYE”
Jake Kennelly	Voting	‘AYE’
Patricia Skolny	Voting	“AYE”

The resolution was then duly declared adopted.

Motion to adjourn was given by J. Kennelly, seconded by L. Gurewitch; meeting was adjourned at 10:25 pm.

Next meeting date is Tuesday, January 5, 2021 at 7:00 pm.

Respectfully submitted,

Rita J. Gurewitch
Village Clerk/Treasurer