

Conklin Special Joint Planning Board/Town Board Meeting – August 15, 2017

MEMBERS PRESENT: James Hauss, Chairman, Sharon Platt, Lyle Fassett, Chris Ostrowsky
Bill Dumian, Del Boyle, Bill Farley, Chuck Francisco, Will Platt

ABSENT: Dan Smith

ALSO PRESENT: Brady Begeal, Attorney – Coughlin & Gerhart
Sherri Jacobs – Town Board Secretary
Nick Vascello, Code Officer
Mary Plonski, Code Office
Renee Hauss, Secretary

VISITORS: Sarah Campbell, Attorney – Hinman Howard & Kattell
David Kennicutt - Delta
Daniel Faldinski – Delta
Patrick Daugherty – JLL
Kyle Rookstool – HM Architects/Engineers, Inc.
John Mastronardi – Town Engineer
Jerry Minoia
Kathy Minoia
Anthony Desanto
Tom Yelverton
Evelyn Deeley

*****For a complete list of attendees see Town Board meeting minutes**

6:00 PM Bill Dumian called the meeting to order.

**Agenda Item #1 Dick’s Merchandising and Supply Chain, Inc., 1314 Conklin Rd, Conklin, New York 13748
Nirchis Parking Area
Tax Map #194.04-1-40.1 Review for Special Permit Modification Expansion Plan**

Brady Begeal presented that today’s meeting was to review Dick’s application for a Special Permit requesting the expansion of the building from 900,000 sq. ft., which was approved approximately one year ago, to a 923,500 sq. ft. building. Comments are to be limited to the expansion request only. Brady opened the meeting for public hearing. First the applicant would present the proposed changes and then the boards will take public comments.

Sarah Campbell presented for the applicant that it was realized now that there would be a need for an additional 23,500 sq. ft. of space for this project. All environmental impacts and studies that were done one year ago took into consideration a 900,000 sq. ft. project. Now the question is will there be any impacts with the addition of 23,500 sq. ft. Dick’s wants to take advantage of the construction now before roads and landscaping are completed and operation of the facility begins.

David Kennicutt presented to the board the site plan. Wetland areas and mitigation have been reviewed by DEC and the NYS Army core of engineers. Other environmental studies reviewed again were endangered species assessment and traffic studies with the consideration of a left hand turn lane. This proposed change will have very little or no impact on the original studies that were performed. The land was also checked for settlement by Native Americans for historic preservation and it was determined there was no impact. Storm water runoff was also reviewed again. The increase in building size will not alter any of the original study impacts because the square footage of the impervious surface has not effectively changed. The new parking area being proposed is already a truck parking area which will not increase any storm water runoff volume. This additional parking area is to accommodate shift changes for the employees and the additional employees that is being anticipated. Sarah Campbell stated that all reviewing agencies have been supplied with both the original and updated documents. Also provided was a new traffic study to accommodate this requested increase. Landscaping plans have been changed a little bit and the boards have been provided an update to those plans. David presented the new landscaping plan for the entrance and the employee parking. Sarah referred a question to Patrick Daugherty. The question was if you want to increase the size of the building and number of parking spots does this mean more people and therefore more traffic. Patrick stated that the answer to this question is no because the

increase in the employee population will be approximately 60 employees spread over a 5-year period and across the three anticipated shifts. So the traffic implication will be minimal. The updated traffic study supports this position.

Sarah stated that the 239 was referred to the county which in turn the county referred this project to all of the necessary departments for review and very few comments were made on this additional expansion request. One issue that did come up was from the DPW in regards to a guard rail and a response has been provided to DPW, DOT and the Town Engineer. John Mastronardi responded that he was satisfied with the applicant's response.

Brady Begeal read into record the County's comments dated August 10, 2017. Brady addressed comments from DEC on the wetlands of which the plan has been updated and that an updated Traffic Study was provided. Brady asked that the applicant provide a plan on how the town would be notified of an increase in employees and additional anticipated traffic. Bill Dumian stated that the traffic issue has been addressed and that was why the new Traffic Study was completed. Sarah stated that if Dick's goes beyond the anticipated employee count then the county wants to be notified as this would have an impact on traffic. Dave Kennicutt provided a letter dated June 2, 2017 supporting the additional traffic. Planning Board Chairman Hauss asked if there is a threshold, given the present design, of where the employee headcount would have to grow to where the traffic would become an issue. If a threshold were established, then we would know when discussions on traffic would need to be initiated. Patrick stated that at this stage this would be difficult to establish. The Traffic Study assumed that the peak traffic coming out of Dick's along with traffic on route 7 with the anticipated shift changes was conservative on the initial study. So Chairman Hauss stated that if any of those assumptions would change, headcount or change in shifts, that should trigger a discussion that would be needed between Dick's and the Town.

Sarah next addressed questions that were submitted on Part 1 of the EAF form. Question D.1.c states: "Is the proposed action an expansion of an existing project or use?" The applicant replied NO. Sarah explained that because all the original studies and information were updated and to avoid segmentation of the proposed expansion, this was looked at as a whole project so the answer was "No". If the attorneys and engineers want this answer to be changed, Dick's would understand and agree to the change. Brady explained the attorneys and engineers were looking at the original approved project incorporating the new expansion changes to see the overall picture of the new project. For the purpose of SEQR Brady explained that for the purpose of this document, the board had to look at the entire project so that is why the answer should be "No". Patrick went through the whole 239 form and explained what had changed from the original submittal in 2016. Brady and Chairman Hauss questioned the hours of operation. Sarah stated that there was an errata submitted in 2016 before approval changing the hours of operation. That approval is reflected on this submittal.

The following updates were made to the 239 Part 1 form:

1. Page 2 Part B.a the answer was Town Board – Special Use Permit. The answer was changed to Special Permit.
2. Page 9 Landscaping was broken out on question E.1.b meadows, grasslands or brushlands – current acreage was changed from 82 to 75.5 acreage after project completion was changed from 45 to 34.4 and change was -37.0 changed to -41.1. Under Other Landscaping was answer current acreage 0 acreage after project completion 5 for a net change of +5
3. Page 11 E.2.e poorly drained was changed from 1.4% to 24% due to a math error

Bill Dumian asked for clarification of "poorly drained soils". Patrick stated that there are four categories of soil drainage A being the best and D being poor. Chairman Hauss asked if all the changes that were discussed are to be attributed to the expansion and Sarah stated other than the typos, yes. Brady had the master copy of the 239 which reflects changes that were made at this meeting. The meeting was then opened for public comment.

Gerry Minoia stated that there are no sound barriers on the corporate park. The railroad came through and took out all of the trees that were acting as a natural barrier to the train. There are more problems than just the sound. In both 2006 and 2011 we were flooded. We know that we are in a low elevation, but with all of this blacktop does anyone know how much more water will be running down because of the blacktop. Bill Dumian stated that there is a SWPP plan in place to address this issue. My concern is that the water that goes between the railroad tracks and our house has no way of getting into the river because since we have been here 44 years no one has ever cleaned that culvert which runs under the railroad tracks. Bill stated that at the last meeting the silt levels were addressed and were being measured as of today and not 20 years ago. Dick's is expecting to take all the water and direct it to these culverts and there is no way that the water can get through because the culverts are all filled in. No one is concerned with people's homes. Some people received notification of previous public hearings but not all of us. This time all of us received notification of a public hearing. His main concern is how all this water is going to get to the river.

Gerry stated that his wife was warned by the construction personnel that because she went over to see what was going on with the new building that Dick's was going to have her arrested. Bill Dumian addressed Gerry's concern on Dick's possibly having someone removed from the site. Bill stated that this is a major construction site. If someone went to a project manager and stated that they wanted to go down and have an explanation, that's fine. You cannot walk down to a construction site on your own. Bill asked Gerry if his wife went to a project manager first. Gerry responded that she had not. Bill pointed out that when you go onto a major construction site where there are all types of regulations you will be asked to leave. Safety is a huge concern on a construction site. There are huge fines to a corporation if that happens.

Anthony DeSanto stated that he agrees with everything that Gerry said. Anthony stated that all he can hear is constant beeping, ground pounding and sometimes construction starts at 5:00 in the morning. On a Saturday morning a helicopter was flying over his house for 4 hours moving supplies from one side of the site to the other. Isn't there supposed to be a buffer zone between residents and the site? Sarah and Patrick pointed out areas on the site plan that will act as a buffer for truck traffic for the residents. It was pointed out that the residents are currently hearing construction sounds. Sarah stated that this project is within area designated appropriate for industrial development. Sarah believes that the noise the residents are hearing now is construction noise. Residents will hear that noise for a while during the building of this project. The addition we are here talking about tonight will have no impact on noise levels. Anthony stated that he lives 400 feet from the site and with all of the truck traffic and all trucks have backup alarms on them that he will constantly be listening to these backup alarms.

Kathy Minoia asked if Dick's would consider putting up sound barriers.

Gary McCall stated that the box company is in his backyard and he hears trucks backing up all the time. Gary stated that if everyone thinks that these people will not hear those trucks backing up in Dick's then those people are very naive.

Sarah stated: "Mr. Supervisor we should probably have guidelines for the audience to be documented. If you would like us to answer a particular question, we have no problem doing that. The project is located in an industrial district. The fact the neighboring property is residential is an issue that we have always been concerned with. It was a determination that the Town Board made that this an industrial district next to a residential area. We have met all requirements for this park and we cannot change the fact that a residential district is adjacent to an industrial district."

Bill Dumian stated that what is really difficult about Conklin at this point in time is not just the corporate park. We have more and more residential areas directly adjacent to a growing number of commercial and industrial zoned areas. I live on one. I hear back up alarms all day long behind me where a gentleman has his construction business. Since 1924 original properties along the railroad tracks were zoned industrial and commercial. What we are faced with now is the scope of our town changing. I see it, I grew up here. Before 1972 it was agricultural. We are no longer agricultural. We are very much becoming industrial. Dick's is well in their rights with the plan they have with this project. That is what Sarah is trying to address. Sarah is saying, Anthony, that this project is meeting the guidelines that they have to. So Sarah is saying that the buffer zone is there based on their plans and their design.

Anthony DeSanto stated that he goes back to Brooklyn, New York to see his mother. He stated that when he steps out into his yard, that it is more peaceful in Brooklyn, New York then it is in his yard. How do we know that this storm water plan is going to work?

Another resident commented that it has been mentioned several times that jobs will be created. The Dept. of Labor currently has 5,521 jobs. There are many companies that are looking for people. The resident called some companies in the area who are similar in structure to Dick's and are looking to hire truck drivers and warehouse people. These companies have stated that it is very challenging to fill these positions and with Dick's moving in it will be more challenging for them. All of these companies have been loyal to the community. Dick's ran away to Pennsylvania once, are they going to do it again?

Brady Begeal stated that the board would take more comments and would address all comments after public comment is completed.

Gerry Minoia stated that before the industrial park this was all farmland. At that time all the water went into the ground. There used to be a mine out there in the 60's. By taking the gravel out it made holes. Everything was taken care of by Mother Nature. At that time none of us got flooded. Now all the sites that have been filled in with retention ponds in the industrial park are not helping. We are getting flooded.

Tom Yelverton stated that he lives on Conklin Road. "We are not geologists and we don't pretend to understand the water tables. We have all experienced floods. We are all aware of how the flood works. It seems like the river doesn't have to get that high to start flooding. I have noticed that since the start of this project structures across the street with stone foundations start to flood when it rains more quickly than what it used to be. I can't explain it from a soil or geological standpoint, but I can tell you that that this is happening. It was only a couple of months ago that the river level was up to the top of the bank. We had more flood water in our cellar than we have ever seen before. Our pumps kept going and going. So I don't know if in fact that that the amount of fill, or the amount of weight or the amount of restructuring of the land is causing this. So my question to the experts is could somebody please tell me why we are experiencing more water coming into our cellars now with the least amount of rain that we are seeing and a lower water level in the river basin at this point?"

Bill stated that he hears everyone's concerns. There are areas in Conklin where the land was never wet before and now it is. Bill did some research and found that right now we are at a total of 38.7" of precipitation for 2017. Our average is 39.3" and all of last year was 37.3". So we are already had a higher rain level this year in the middle of August than we were all of last year. I think what we are seeing this year is this excessive rain causing the basement flooding.

Again, Tom stated that the land across the street, the swamp area, has a high level of water more than what he has seen in the past. It just seems to be a coincidence that this has been occurring since the Dick's project began. Anthony stated that he has been working with a geologist because he does not understand everything. But the geologists agree that the rain has been at a higher level this year but he does not think that it has been high enough to be affecting our basins.

Evelyn Deeley stated that she grew up in Conklin and knows where Gerry and Tom live, across from the swamp, very well. She is very excited about Dick's coming into town. Evelyn does not know about the noise and maybe there needs to be some type of barrier, but what she would like to understand is that in this area (pointing to the site plan) how is this amount of water saturating this swamp area is draining and allowing the swamps to drain. In 2006 this is where the water came roaring down into Conklin. We need to know how the saturation is being handled and how is it being channeled.

Jerry Minoia stated that this is the area he was referring to. This is the area that is being piped under the railroad and this is the area where the water flows right onto our property. An egress to the river is not occurring. The channel under the railroad needs to be cleaned out to allow the water to flow.

Bill Dumian responded that the goal of the Dick's project is not to push any water onto anyone. That drainage ditch under the railroad has been clogged for years. Dick's storm water project is not what clogged that ditch. So until we can get the railroad to agree to do something with that ditch it will be a problem. Dick's needs to go through their storm water prevention program and explain what they have done so the residents can learn and understand what Dick's had to deal with on this project. This is why retention ponds have been put in place. This is a difficult time for everyone. But this project has a storm water prevention program for a reason.

Brady Begeal asked if there were any other comments and the board understands that the biggest concern is storm water drainage.

Dan Faldzinski, from Delta Engineering, presented on the SWPP. Dan stated that as engineers they are prescribed all of New York States DEC's water design manual and in that manual there is a whole list of provisions that the systems have to meet. There are three design elements that have to be met. The quantity of water that will be discharged from the property, volume of water that discharges from the property and we want to reduce the sedimentation from this discharge. This storm water prevention plan includes the design of the technical standards required of the state. A question was asked how do we do our design. We rely on survey information, geological surface borings testing and the testing of the silts ability to infiltrate or flow. So we have developed a storm water collection system that collects all storm water runoff in these retentions basins. We look at the existing conditions on this site analyzed the culverts and discharge areas and were able to come up with a plan where there is actually a reduction in discharge from this site according to the 100-year peak discharge rate.

Brady Begeal asked if someone could explain how we know the SWPP will work and how is it monitored.

Dan stated that we are better off with this system than we were before excavation. David Kennicutt wanted it on record that this plan does mitigate any increases of runoff or any impact from development. This storm water prevention plan requires signoff by the town, the town's engineer, the DEC and the DEC application has been approved. This plan meets DEC compliance and performance standards and regulations for permits. We already have a permit for the first phase of

construction and we are asking for the town to sign off on this modified split so again we can transfer coverage to allow for the continuation of construction.

Kathy Minoia again asked how is this water getting out of there. David explained, pointing to the site plan, that water is directed to this swale and it treats the water to remove sediment. Then the water is directed to the basin. When the basin is full it discharges through the culvert under Route 7 and into the river. There will be occurrences when the river water is going to backup into these culverts and it floods this site. To mitigate that we created this large hole. The 100-year flood plain encroached the property and in order to offset any silt from construction the offset was done. We have had two 500-year-old floods in the past decade. Ordinarily it should be dry but this is designed to compensate for flooding. Tom Yelverton asked where is the level of this water compared to the river level when those two basins are full. It seems to me that when water backs up it is when this system of water and a combination of rain water that really brings that water level up. The water backs up underneath the railroad tracks and into this swamp area and this is what we see.

Bill Dumian stated that Dave, what you are saying, is that your plan meets DEC requirements. You have done your storm water prevention program to make sure it addresses storm water on that property. So with what you have designed, you are saying this is not going to increase or encroach on the neighbors based on the system you have put in place. This is with DEC approval. The storm water prevention program is available for residents to review and see what has been done on this project.

John Mastronardi, the Town Engineer, presented that he is very intimately familiar with this area even before Dick's. He stated: "I am going to try and explain things prior to the project, during the project and post construction." Pointing to the site plan, John explained that the pink areas, both sides of the railroad tracks and area between Bruce Ave and the railroad tracks and areas on the west side of the railroad tracks are all wetlands. They are supposed to hold and maintain a certain amount of water. Gerry says that these culverts don't drain under Route 7 like they used to. I know that DOT relined those culverts some years ago but those pipes will pass the same amount of water or more compared to corrugated pipes. I know that Verizon has gone down there and did some work on some holes. They made an impact on the way these wetlands drain through those culverts. This was a concern by the previous Highway Superintendent. If there is standing water in front of the culverts and you cannot see past the culvert because of an obstruction, obviously this is a concern. These lands are owned by New York State. John responded to Gerry that if you have a concern take some pictures. John can provide the name of the DOT engineer so Gerry can contact him. The SWPP is many pages and I have reviewed it. I did my own inspection along with their inspection to make sure that they are following the plan. The SWPP for Dick's addresses storm water leaving the site. Bill touch on it that we are over 10" above the average of rainfall for the year and we have a lot of storms coming up. There is a lot of saturated soils right now and Dick's is not sending more water through these basins. In fact, they are sand bagged right now to a certain level. The reason for that is that they are trying to maintain the silt on site and give it time to settle out before it leaves the site. The contractors then go back in and excavate the silt sediment out and do a bio-stabilization measure to return it to an actual bio-retention before the project is completed. Basically, where Dick's filled in the flood plain they did an offset with flood basins. Gerry stated that if there was a floodgate that would have an impact. John told Gerry that there is a resident engineer at DOT and he will supply his contact information as he did not know if DOT put in any kind of flap gates over the culverts.

Gerry stated that Verizon did not block the channel, but that NYSEG was down there and took down the apple trees and stacked them up in a pile and blocked the channel. When Gerry called NYSEG, NYSEG denied doing such a thing. All of us who live there sat there and watched them do it. This is an unfortunate thing.

7:30 p.m. Brady Begeal closed the public hearing.

In closing Sarah stated that much of this discussion was way over her head. Dick's wants to be good neighbors and understands not everyone is going to be happy with change. People like having open space and they like not having development. Sarah stated there is a portion of this property that is part of the flood plain and we can't do anything about that. She proposed that Dick's would review the possibility of adding a tree line to try and block some of the noise. We would certainly accept that as a condition for approval. Dick's would modify the landscaping plan and re-submit to the town engineers for final signoff. We will add that to the plan. In terms of noise we are not supposed to be doing work at 5:00 in the morning so she will take that back and check on it. Dicks wants to solve some problems they can but we cannot solve all of the problems. We do not want to create more problems in terms of water and hopefully we are fixing them. We are improving drainage off the site.

Bill stated that the board will address what was discussed and will address the sound barrier. The Town will continue to work with Dick's as it has been a great business relationship. You are well within your guidelines and your plans are right

on point. The Town has been involved throughout this process along with the town engineers. We will continue to move forward and get the rest done. The board members no longer had any other questions.

Brady Begeal stated that the board would now move on to Part 2 of the EAF.

Chairman Hauss stated that: "For clarification, we are primarily looking at the parking area and the addition to the building itself. There is no change in any impervious area that will make an impact on the SWPP. We are going to look at this as a delta from the original submittal for overall impact to the plan. As I go through Part 2, I am going to be asking if there is anything that has come up tonight, with the changes in the plans, that will change our answers to the original submittal. I will be asking the questions and please tell me if yes there was a change or no there wasn't. I will also tell you what we initially stated." Chairman Hauss read into record Part 2 of the EAF and Brady Begeal recorded the board's responses. All of the board's responses to Part 2 remain the same from the original submittal.

Chairman Hauss requested that the board review the original conditions of approval to see what the status of those conditions are. Brady read into record the original conditions for approval dated August 8, 2016 and requested the status of those conditions.

1. Install separate water meter for irrigation – carryover
2. Install striping for walkways and all four sides of Route 7 and Corporate Parkway intersection, as well as flagstop for employee entrance – Bill responded that DOT stated that they will be putting in crosswalks at all of the intersections. These crosswalks will have pushbuttons and signs for pedestrians. The Town Board has also requested to increase the length of the left hand turning lanes to help the flow of traffic as well. The state is addressing the crosswalks and everything will be marked clearly that will go into place. The Town has also requested a reduction in the speed limit and hope that the state will take action on it.
3. No right turn onto Corporate Parkway from truck entrance - carryover
4. No staging of any trucks on Corporate Parkway - carryover
5. Cooperate with Town of Conklin and Broome County for bond and/or letter of credit during construction phase – no requirement

Additional conditions will be:

1. Current employee projection is 525 employees over the next 5 years. An increase of 10% in employee count will prompt notification to the town resulting in a discussion on the Traffic assessment
2. Approximately 118 trucks were assumed in the current Traffic assessment. An increase of 10% in truck traffic measured on a rolling 30-day average will prompt notification to the town resulting in a discussion on the Traffic assessment.
3. Noise mitigation plan for the east side of the truck parking area to be submitted within 30 days from August 15.

Lyle expressed his concern on the speed limit and the length of the left hand turning lane and Bill stated that the Town will continue to work with the state on these issues.

Dell wants to keep the traffic for both the employees and trucks as an open issue which we may have to work with the state on this issue. Chairman Hauss stated that this cannot be a condition of the plan but that we as a town have to be responsible for identifying these issues.

**RESOLUTION BY THE PLANNING BOARD OF THE TOWN OF CONKLIN
MAKING A RECOMMENDATION ON THE APPLICATION OF DICK'S MERCHANDISING & SUPPLY
CHAIN, INC. FOR
A SPECIAL PERMIT MODIFICATION**

PRESENT: Chairman James Hauss
Board Member Sharon Platt
Board Member Chris Ostrowsky
Board Member Lyle Fassett

ABSENT: None

Offered By: Board Member Chairman Hauss **Seconded By:** Board Member Sharon Platt

The Planning Board (hereinafter “Board”) of the Town of Conklin (hereinafter “Town”), duly convened at a special joint meeting on August 15, 2017, does hereby resolve as follows:

WHEREAS, pursuant to Section 140-76 of the Town of Conklin Code, any use proposed for the Economic Development District Zone (“EDDZ”) is subject to the issuance of a special permit by the Town Board and the developer must submit a site plan application in accordance with the Town of Conklin Site Plan Review Law; and

WHEREAS, prior to the Town Board acting upon the request for the special permit modification, the Planning Board must first review the proposed development and provide its recommendations to the Town Board; and

WHEREAS, on or about August 8, 2016, the Broome County IDA, on behalf of Dick’s Merchandising & Supply Chain, Inc. (“Applicant”) received approval from the Town Board for a special permit to construct a distribution center upon several parcels which are now known as:

<u>TAX MAP</u>	<u>PHYSICAL ADDRESS</u>
<u>NUMBER</u>	
194.04-1-40.1	1314 Conklin Road

which is located in the in the EDDZ of the Town; and

WHEREAS, the Town Board has received a request from the Applicant to modify its approved special permit to include additional expansion of the distribution center facility and parking area (“Expansion”);

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (“SEQRA”), the Town Board is the lead agency in this coordinated review and responsible for making the final determination on the special permit, and the Planning Board is an involved agency only offering an advisory recommendation; and

WHEREAS, pursuant to Section 140-76(C) of the Town Code, the Planning Board has met with the Applicant, Town Engineer and Town Code Enforcement Officer and received, reviewed and considered all of the materials submitted by the Applicant in support of its special permit application including, but not limited to, the following:

- A complete site plan and drawings depicting the proposed construction project at the facility, including the Expansion;
- A storm water pollution prevention plan, which incorporates the Expansion;
- A proposed Long Form EAF that includes the Expansion;
- The final recommendations from the Broome County Department of Planning & Economic Development pursuant to General Municipal Law §§ 239-l and 239-m;
- A letter from Broome County IDA finding that the proposed distribution center, including the Expansion, is currently in compliance the Performance Standards of the Broome Corporate Park; and

WHEREAS, the Town Engineer and the Town Code Enforcement Officer have met with the Applicant and reviewed said application materials and have deemed them complete and have approved their form and substance; and

WHEREAS, all notices were given for a special Planning Board meeting to be held at 6:00 p.m. on August 15, 2017 at the Conklin Town Hall, 1271 Conklin Road in said Town to review the special permit application of the Applicant and make a recommendation thereon; and

NOW THEREFORE, BE IT RESOLVED, that the Board recommends that the Town Board of the Town of Conklin approve the special permit modification application of the Applicant as submitted but subject to the following conditions: _____

1. Install separate water meter for irrigation – carryover
2. No right turn onto Corporate Parkway from truck entrance - carryover
3. No staging of any trucks on Corporate Parkway – carryover
4. Current employee projection is 525 employees over the next 5 years. An increase of 10% in employee count will prompt a discussion on the Traffic assessment
5. Approximately 118 trucks were assumed in the current Traffic assessment. An increase of 10% in truck traffic over a 30-day average will prompt discussions on the Traffic assessment.
6. Noise mitigation plan for the east side of the truck parking area to be submitted within 30 days from August 15.

_____ and further

RESOLVED, that pursuant to Section 140-76 of the Town of Conklin Code, the Board finds that (1) the Applicant’s updated site plan contains all of the elements that are required by the Town of Conklin Site Plan Review Law; (2) no deficiencies in the updated site plan appear to exist which would require the attention of the Applicant and the Town Board; (3) the Applicant has submitted a complete Long Form EAF which includes the Expansion and appears to be accurate to the best of the Planning Board’s knowledge and no additional environmental information is required; (4) the recommendations of the Broome County Planning Department have been received and indicate that the Department has not identified any significant countywide or inter-community impacts associated with the proposed project; and (5) there are no specific factors or concerns which it believes are appropriate for consideration by the Town Board; and further

RESOLVED, that the Planning Board recommends that for the purposes of SEQRA, the Town Board finds that: (1) this is a coordinated review pursuant to 6 NYCRR § 617.6(b)(3); (2) this is Type 1 Action; and (3) the project as modified will not result in any significant adverse environmental impact and therefore a negative declaration should be issued; and further

RESOLVED this resolution shall take effect immediately.

CERTIFICATION

I, Renee Hauss, do hereby certify that I am the Planning Board Secretary of the Town of Conklin and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Conklin at a meeting thereof held at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York on August 15, 2017. Said resolution was adopted by the following roll call vote:

Chairman James Hauss Yes
Board Member Dan Smith Absent
Board Member Sharon Platt Yes
Board Member Chris Ostrowsky Yes
Board Member Lyle Fassett Yes

Town of Conklin Seal
Dated: August 15, 2017

Renee Hauss, Secretary
Town of Conklin Planning Board

RESO 2017-____: APROVING THE APPLICATION OF DICK’S MERCHANDISING & SUPPLY CHAIN, INC. FOR A SPECIAL PERMIT MODIFICATION

PRESENT: Supervisor William Dumian, Jr.
Councilman Willis M. Platt
Councilman Charles Francisco
Councilman Dell Boyle
Councilman William Farley

ABSENT: NONE

Offered By: Board Member Chuck Francisco_____ Seconded By: Board Member William Farley

The Town Board and the Planning Board of the Town of Conklin (hereinafter “Town”), duly convened at a special joint meeting on August 15, 2017. The Town Board does hereby resolve as follows:

WHEREAS, pursuant to Section 140-76 of the Town of Conklin Code, any use proposed for the Economic Development District Zone (“EDDZ”) is subject to the issuance of a special permit by the Town Board and the developer must submit a site plan application in accordance with the Town of Conklin Site Plan Review Law; and

WHEREAS, on or about August 8, 2016, Dick’s Merchandising & Supply Chain, Inc. (“Applicant”) received approval from the Town Board for a special permit to construct a distribution center upon several parcels which are now known as:

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194.04-1-40.1	1314 Conklin Road

which is located in the in the EDDZ of the Town; and

WHEREAS, the Town Board has received a request from the Applicant to modify its approved special permit to include additional expansion of the distribution center facility and parking area (“Expansion”);

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (“SEQRA”), the Town Board is the lead agency in this coordinated review and responsible for making the final determination on the special permit, and the Planning Board is an involved agency only offering an advisory recommendation; and

WHEREAS, on or about July 12, 2017, the Town Board sent a letter to the Involved/Interested Parties declaring itself Lead Agency under SEQRA, and preliminarily classifying this as a Type I Action; and

WHEREAS, prior to the Town Board acting upon the request for the special permit modification, the Planning Board must first review the proposed development and provide its recommendations to the Town Board; and

WHEREAS, the Town board has reviewed, among other application materials, the following:

- A complete site plan and drawings depicting the proposed construction project at the facility, including the Expansion;
- A storm water pollution prevention plan, which incorporates the Expansion;
- A proposed Long Form EAF that includes the Expansion;
- The final recommendations from the Broome County Department of Planning & Economic Development pursuant to General Municipal Law §§ 239-l and 239-m;

- A letter from Broome County IDA finding that the proposed distribution center, including the Expansion, is currently in compliance the Performance Standards of the Broome Corporate Park; and

WHEREAS, the Town Engineer and the Town Code Enforcement Officer have met with the Applicant and reviewed said application materials and have deemed them complete and have approved their form and substance; and

WHEREAS, pursuant to Section 140-76 of the Town of Conklin Code, the Planning Board found that (1) the Applicant's updated site plan contains all of the elements that are required by the Town of Conklin Site Plan Review Law; (2) no deficiencies in the updated site plan appear to exist which would require the attention of the Applicant and the Town Board; (3) the Applicant has submitted a complete Long Form EAF which includes the Expansion and appears to be accurate to the best of the Planning Board's knowledge and no additional environmental information is required; (4) the recommendations of the Broome County Planning Department have been received and indicate that the Department has not identified any significant countywide or inter-community impacts associated with the proposed project; and (5) there are no specific factors or concerns which it believes are appropriate for consideration by the Town Board; and further

WHEREAS, on August 15, 2017 the Planning Board recommended that for the purposes of SEQRA, the Town Board find that: (1) this is a coordinated review pursuant to 6 NYCRR § 617.6(b)(3); (2) this is Type 1 Action; and (3) the project as modified will not result in any significant adverse environmental impact and therefore a negative declaration should be issued; and

WHEREAS, on August 15, 2017, the Planning Board recommended that the Town Board approve the special permit modification application of the Applicant as submitted but subject to the following conditions:

____ The above conditions as submitted by Resolution by the Planning Board's Recommendation _____; and

WHEREAS, all notices were given for a special Town Board meeting to be held at 6:00 p.m. on August 15, 2017 at the Conklin Town Hall, 1271 Conklin Road in said Town to review the special permit application of the Applicant; and

WHEREAS, the Town Board has complied with Section 140-77 to hold a public hearing and to provide notice of the public hearing in its official newspaper and to provide written notice to property owners within 1,000 feet of the boundary line of the area commonly known as the "Broome Corporate Park"; and

WHEREAS, said public hearing was duly held at the Conklin Town Hall at 6:00 P.M. on August 15, 2017, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed application, or any part thereof; and

WHEREAS, the Broome County IDA, via a letter dated July 14, 2017, advised that the proposed project complies with the performance standards of the Broome Corporate Park, in accordance with Section 140-76(f); and

WHEREAS, the Town or Conklin submitted a GML 239 submittal to Broome County Planning and Economic Development and received a response dated August 10, 2017 and which the Department did not identify any significant countywide or intercommunity impacts associated with the proposed project; and

NOW THEREFORE, BE IT RESOLVED, that based upon the foregoing, the Town Board of the Town of Conklin resolves as follows:

RESOLVED, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act ("SEQRA"), the Town Board declares itself Lead Agency; and further

RESOLVED, that the Town Board finds that for the purposes of SEQRA the Town Board finds that this is a coordinated review pursuant to 6 NYCRR § 617.6(b)(3); and further

RESOLVED, that this application is Type I Action, and further

RESOLVED, that after review of the Long Form EAF, that the project will not result in any significant adverse environmental impact and therefore a negative declaration should be issued; and further

RESOLVED, that pursuant to section 140-76(g)(1-15) of the Town of Conklin Code, the Town Board finds that:

- 1) There is environmental compliance,
- 2) There is adequate ability to address the risk of fire or explosive hazards,
- 3) There have been no concerns about use of radioactive material,
- 4) There have been no concerns about electrical or electromagnetic disturbances,
- 5) There have been no concerns about the air and noise emissions,
- 6) There have been no concerns about water use and the disposal of sewage and waste products,
- 7) There have been no concerns about the use of toxic or hazardous substances,
- 8) There have been no concerns about the traffic impacts,
- 9) There has been assurance about impacts on or from wetlands or other environmentally sensitive areas,
- 10) The advisory recommendation of the Planning Board was positive,
- 11) The Broome County Planning Department's 239 response was supportive,
- 12) The anticipated economic impact of the proposed development is positive,
- 13) The proposed use is harmonious with surrounding use and neighborhoods within Conklin,
- 14) The health, public safety or welfare of residents are not threatened by the proposed project, and
- 15) There are no other special considerations specific to this project.

If concerns were raised, the Town Board in its discretion, and by taking into account the totality of factors and considerations listed above, has determined that the positive impact of the proposed project outweighs any negative findings or concerns.

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Town Board, after due deliberation, grants the special permit with the following conditions:

1. All costs associated with this approval process; including legal and engineering costs, publication costs and mail costs must be paid by the applicant;
2. All conditions recommended by the Planning Board, as set forth above, if any.

BE IT FURTHER RESOLVED, this resolution shall take effect immediately.

CERTIFICATION

I, Sherrie L. Jacobs, do hereby certify that I am the Town Clerk of the Town of Conklin and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Conklin at a meeting thereof held at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York on August 15, 2017. Said resolution was adopted by the following roll call vote:

Supervisor William Dumian, Jr. Yes
Councilman Willis M. Platt Yes
Councilman Charles Francisco Yes
Councilman Dell Boyle Yes

Councilman William Farley Yes

Dated: August 15, 2017

Town of Conklin Seal

Sherrie L. Jacobs, Town Clerk
Town of Conklin, New York

Bill Farley motioned to adjourn meeting **Dell Boyle second**. All present board members approved. Meeting Closed 8:30 PM.

Respectfully Submitted
Renee Hauss