

**Joint Meeting
Conklin Planning Board and Town Board August 8, 2016**

MEMBERS PRESENT: **PLANNING BOARD** James Hauss, Chairman, Lyle Fassett, Chris Ostrowsky, Sharon Platt
Dan Smith
TOWN BOARD James Finch, Supervisor, Bill Dumian Jr., Gary Bullock, Dell Boyle,
Chuck Francisco

ABSENT:

ALSO PRESENT: Cheryl Sacco, Attorney – Coughlin & Gerhart
Ron Lake, Code Officer
Sherri Jacobs, Town Board Secretary
Renee Hauss, Planning Board Secretary

VISITORS: John Mastronardi, Town of Conklin Engineer
Sarah Campbell, Attorney – Hinman and Kattell
John Granger – Dick's Sporting Goods
Van Emery – H & M Architects/Engineers, Inc.
James Kirkland – H & M Architects/Engineers, Inc.
David Kennicutt – Delta Engineering Group
Greg Liberman – Environmental Design and Research
Thomas Dussing – Environmental Design and Research
Kevin McLaughlin – The Agency, IDA
Mike Haas – Haas Landscape Architects
Jerry Minoia
Arlene Dubay
John Dubay
Tom Guley
Pat Smith

**This is a listing of presenters ONLY. The complete list of attendees can be found
On the Town Board meeting minutes**

Agenda Item #1 **Distribution Center, Kevin McLaughlin c/o The Agency
Broome Corporate Park, Conklin, NY 13748
Tax Map # 210.02-1-46, 190.04-1-27, -1-7.1, -1-6.11, -1-25, -1-24, -1-22, 11,
-1-23, -1-40.1, -1-20
Site Plan Review, 239 Review and Planning Board Recommendation for Special Use Permit**

6:00 PM Rollcall was done for both Planning Board and Town Board members. Planning Board member Dan Smith arrived after rollcall.

Cheryl Sacco opened the meeting for the Public Hearing instructing the audience that the applicant will present their project and when complete the meeting will be open to the floor for public comment. Any questions from the public are to be directed to board members for comment.

Sarah Campbell, attorney, presented to the board that she was representing the applicant in this project and would be introducing the consultants who are involved in this project. Each consultant will give a brief overview of the project and will answer any questions that the public or board members may have.

John Granger, representing Dick's Sporting Goods, presented an overview of their project. The original building will be approximately 670,000 square feet for Phase 1. This facility will support 160 of our northeast stores. This will be a regional distribution center. To start there will be two shifts operating. Hours of operation will be 6:00 a.m. to 3:15 p.m. and 3:45 p.m. to 2:00 a.m. Product will flow into the facility from their vendors and will be sorted by conveyable and non-conveyable items. Items will be sorted by store and then shipped off to the individual stores. 466 jobs will be created over 5 to 10 years of this project. Employee count will start at 170 and will progress up from there.

Van Emery, from H & M, presented to the boards that they are the architectural engineer and the general contractor for the project. There will be two dedicated entrances to the site. The first will be the employee and visitor entrance on Route 7 and then a second entrance on Broome Corporate Park dedicated to truck traffic. Branding is very important to Dick's. There will be a very large sign above the entrance to the office. It will be the same sign that you see on other Dick's Sporting Goods locations. The building will be precast concrete and will be made under controlled conditions fabricated with insulation, delivered to the site and erected with a crane. It will be a steel frame building insulated concrete panels on the outside that will be painted. There will also be textured stone on the outside. They are trying to get a LEED (Leadership Environmental Energy Design) certificate for this building. What this means is that the building will be very energy efficient with the use of power and the use of LED lights and a comfortable work environment for employees. There will be state of the art fire protection and will be in total compliance with building code. Exterior lighting will be cutoff fixtures mounted on poles which directs the light downward so there is no overspill on the neighbors. This will be a one story building.

David Kennicutt, from Delta Engineering Group, presented that the Delta Group was responsible for the site design. The site design consists of the actual site work of grading and preparing the site for the build. Traffic studies were provided to the board. Trucks will come off Interstate 81 on to Broome Corporate Park south entrance. Because this is a secure building there must be separate entrances for trucks vs. employees. For the truck entrance there will be a guard on the site 24/7. It is possible that two or three trucks show up at the same time and may be idling for five or ten minutes in the driveway. There should not be any backup of trucks on the parkway or long idle times. Once the trucks gain access they will drop off their trailer and then leave. That is why there are so many trailer sites because the trailers may sit on the site for seven days. Employees will enter from Route 7. Employees and the public will not have access to part of the building where the trucks access. This is a secured area. The truck traffic will remain a Level Service A. There will be approximately six trucks in and out per hour. There may be some delay in traffic for the employee entrance for those making a left upon leaving the site. They are proposing a separate lane for those leaving wanting to make a left to mitigate that concern. The delay will be to the employees and not to the public. The building will be approximately 1400' long and 470' wide for Phase 1. They are planning for expansion in about five years. All environmental studies that were performed were done on the future build. Cheryl Sacco stated that for the record the application is for 670,000 square foot building footprint, but the SEQR and Environmental analysis that the boards will be doing tonight will be for 900,000 square foot plan. The site design and environmental studies were all performed on the future build-up including water drainage and sewage. They will be tying into existing sewer lines. Tom Gulley asked if the sewer treatment facility agreed to this. Cheryl stated that this is an existing non-modified sewage line so it does not need joint board approval. There was sewage there from an existing plant and this project will be using the same sewage lines. Chairman Hauss asked David to confirm the 118 truck rate in and out for a 24-hour period. David stated that this rate was based on the future build. Initially the truck volume will be 69 coming in and 69 going out. The top of the building will be the same level of the road because the building will be built below the grade of the road. The lighting will also be below the grade level of the road. Retaining walls will be built. Cheryl asked if there was a railroad berm that will dampen noise and David stated yes.

Greg Liberman, who is with EDR (Environment Design and Research), stated that to comply with the US Army Core of Engineers criteria of under a half of acre impact the designs impact is .21 acres. They have filed the proper applications for the wetland areas and have included the DEC in the application process and approvals. They looked at rare or state-listed animals and plants for this vicinity and have found no issues with the bats. Cheryl stated that there are no bats for five miles and everything that has been done to get the property ready would not have affected the bats if they were even there. So not only did they mitigate it but there was nothing to mitigate. The retaining walls are being put in place to protect the wetlands. They have been having discussions with DEC on mitigation efforts for the wetlands on this project. The design will prevent water from flowing out. A larger low spot is being created to handle water.

Mike Haas, a landscaping architect, is responsible for landscaping the property once the building is complete. There will be minor landscaping for the truck entrance. The focus for landscaping is the public entrance, parking lot and main entrance to the building. Plans that were submitted show lots of trees of native species to keep the planting sustainable. Larger canopy trees will be planted to provide shade for the parking lot and there will be a concentration of landscaping around the entrance of the building. It will be a layering effect of trees, shrubs and ground cover along with perennials. The intent is to give the landscaping seasonality and deer tolerant plants. Stability will be provided to the slopes with some evergreens. There will be small LED walkway lights at the entrance of the building and in the little islands in the parking lot for additional low lighting. These are being put in place for the safety of the employees.

A question was asked if the 24-foot fire lane goes all around the building. Van Emery stated that there was the ability to serve the building on all four sides with firefighting equipment. There will be a gate separating the truck and employee traffic so not to mix the two located on the property. There will be a lock box on the gate and the fire department will have a key to that box to gain access all around the building.

Cheryl brought up the concern for drainage, so drainage was discussed by Thomas Dussing from Environmental Design & Research. EDR looked at drainage and there is approximately 2000 acres of drainage that comes through Carlin Creek and the railroad culvert. This is important because when some of the drainage is trying to get through the culvert it is going to back up into the site. A comprehensive analysis was done on this. There is also approximately 142 acres that drains directly to two sets of culverts that are underneath the railroad. The storm water was then analyzed with full blown build-up and the necessary mitigation to handle these volumes is being provided. There will be an 8-acre foot of storage to mitigate the flooding plus an additional 5-acre foot of storage. So in other words water is not being displaced elsewhere but a storage area is being created for flood waters. It was found that part of the building area is part of the flood plains and when the river backs up, it backs up through these culverts into part of this building area. So this will be transparent because there will be no impact to properties both upstream and downstream of this project. There will be less of a water rate through these culverts. Because there is more than an acre of disturbance, this project is subject to New York State DEC regulations as well as the town's storm water regulations of which this project has gone beyond the requirements to mitigate flooding issues. This project is also in compliance with FEMA requirements. Not only does this project maintain what has been taken away but this project has added an additional half million cubic feet of additional storage. This has reduced the risk of flooding in this project. Bill Dumian asked if Thomas knew the percentage of additional storage was that was being provided, but no one could answer his question.

David Kennicutt read into record the following comments:

1. Department of Public Works dated July 8, 2016
2. New York State Department of Transportation dated July 11, 2016.
3. Broome County Department of Planning & Economic Development dated July 14, 2016

All comments were addressed by Delta Engineering in a correspondence dated August 5, 2016

The meeting was then opened for public comment.

Jerry Minoia is in favor of this project but is concerned with flooding. This area has seen two major floods and DEC, the railroad and DOT do nothing to maintain properties or the culverts to prevent backups.

Arlene Dubay then addressed the boards by stating that she is for the project but is concerned about lighting and traffic. Arlene hopes that the lighting does not light up the sky and take away our visibility of the stars. With regards to traffic, nobody ever talks about the people who walk. There are no provisions for people crossing the intersection of Route 7 and the Broome Corporate Park south entrance. Arlene walks six days a week and crosses that intersection by taking a chance because there is no crosswalk. Arlene watches the light and hopes to God that no one hits her making left hand turns into the corporate park. This is supposed to be a walkable community so could someone please mark a crosswalk at this intersection.

Thomas Guley asked what tax concessions were given to Dick's for state, city, town and school taxes. Kevin McLaughlin stated that an application was filed by Dick's and there was going to be a public hearing on this subject. IDA was reviewing a 30-year concession. Cheryl stated that the Planning and Town Boards could not address this issue. Mr. Guley asked his question again stating that previously Dick's received a 20-year concession for their previous site in the corporate park. After the 20 years expired, Dick's moved out of the park. Now Dick's is wanting to come back to receive a 30-year concession. Town Supervisor Jim Finch stated that currently the town was not receiving any tax money for this property but with this project the town would now receive some monies. This project is a win/win for all. Mr. Guley made it clear that he was all for the project but he was not for Dick's receiving tax concessions. Tom also asked for clarification on the truck traffic into the park. It was confirmed that there would be approximately 59 trucks going in and out for a total of 118 trips. It was also clarified for Mr. Guley that all employee traffic will be directed to Route 7.

John Dubay asked if the building materials that were being used were New York State building materials. It was confirmed that Dick's was still going through the bidding process for the materials but would absolutely try to buy locally. Mr. Dubay also asked about the new hires. Again it was confirmed that Dick's would do all that they could to hire employees locally. Mr. Dubay then wanted to reiterate what his wife stated about the traffic at the Route 7 and Corporate Park entrance. John stated that driving through that intersection was a hazard. Many times large trucks coming from either direction will blow through the red light. The police would have "easy pickings" for just sitting at this intersection because the trucks just fly through there. Can the town at least get DOT to lower the speed limit in the corporate park and on Route 7? Jim Finch confirmed that the town has requested DOT to lower the speed limit in this area.

Pat Smith stated that he lived through the last two floods that Conklin had experienced. Both times there was 5 feet of water in his home. Pat wanted to stress that he hopes that Dick's lives to their plan for water control. Pat asked that any railroad culverts be kept clear and maintained. There was also a concern on truck noise, but as long as the plan is followed for the truck traffic all should be fine. Other businesses in the park are probably not following the original plan of using the park entrances with the volume of truck noise that is heard going by my house at night. Pat is for the project and is glad to see New York State getting a project of their own instead of worrying about projects that are occurring in other states. Jim Finch did state that the town has spoken to the county in regards to the truck traffic of the other businesses in the park and it was also brought up at a meeting with the IDA. Mr. Finch stated that there would be a letter going out to the other businesses stating that the trucks are to use the south entrance of the park. Dick's also agreed to put a sign at the entrance and exit for the truck traffic that there be no right hand turn to alleviate truck traffic on Conklin Road.

There were no other questions so Cheryl Sacco closed the Public Hearing at 7:30 p.m. Jointly Planning Board and Town Board completed the Site Plan Review and Chairman Hauss asked the following questions:

1. On the SWPPP what were the assumptions on the culvert conditions assuming that they are clean and clear. John Granger stated that the culverts are on railroad property and they assumed that they were clean when calculating the water flow. Based on the measurements at the time of application the culverts currently can handle 254.2 cfs. With the flood mitigations that are being done on this project water flow will be reduced to 221.3 cfs.
2. Is the SWPPP good and John Mastronardi stated yes. All questions were address on the Errata sheet and the drawings were updated.
3. Traffic impact analysis, was it updated since the initial review? David Kennicutt stated the traffic study was done based on the build completion in 2017 and the then escalated volumes through a ten-year growth. The employee traffic was always done based on the full build. Bill Dumian asked that the current study is based on 170 employees at start-up and then 466 employees between years 5 and 10. David stated yes, but the 466 employees is based on three shifts of employees working. This 466 employee count is split between the shifts so there will not be 466 employee traffic all at once.
4. Lighting was mentioned and it was stated that there will be downward lighting. Will there be any upward lighting? There will be ground lighting laminating the flag that will be flown at night.
5. During the traffic study it was recommended that turning lanes in both directions be marked on Route 7. That is not shown on the Site Plan. David stated that this was a suggestion when full build was completed not for the initial build. NYS DOT has dictated that it will be considered upon completion of the full build. Sharon Platt expressed a concern of traffic backing up on Route 7 with employees making a left hand turn. Jim Finch stated that the town has put in a request to reduce the speed limit in the corporate park and on Route 7 to the corporate park traffic light.
6. What do you anticipate the traffic to be during the construction phase including noise levels? James Kirkland stated there would be several different trucks during the different phases of the build which will take place through August 2017. Most of the truck traffic will be occurring between now and the end of this year. In around February and March there will be concrete trucks and then in the spring trucks for asphalt.
7. There have been previous discussions on establishing bonds to cover any damage to the local roadways caused by these construction trucks. Is there anything being done with that? Sara Campbell stated that there was no problem with that. It was understood that they have to deal with the county on that issue because they were county roads. Cheryl stated there was a concern if some materials were picked up locally. Depending on where it is the site may be on town roads so the town will also have to be considered in this bond.
8. From Route 7 what is the elevation for the parking lot go to be? What is the individuals view going to be from Route 7? Van Emery stated that your best view of the building is going to be heading south up to the bridge is where you will see the Dick's sign. There are going to be several trees blocking the view of the area. The parking lot will be about 10 feet elevated.
9. What is the line of sight for the residential area? It is totally blocked from the view of the residence.
10. Chairman Hauss read into record the Traffic Study (page 22) the recommendation of restriping Route 7 to include a dedicated left-turn lane and a dedicated "through-right" lane at the employee entrance. His question was how does the town get this done? It was stated that DOT recommended this action at the time of full build up but it was the opinion of Delta Engineering that it did not matter if it was done now or later. The project could not make DOT restripe the road. Chairman Hauss asked the opinion of both board members and all agreed that this was going to be a recommendation per page 22 of the Traffic Study which was submitted with the Site Plan. Page 22 states "re-striping NYS Route 7 to provide a 100 ft. northbound left-turn lane and a 50 ft., left-turn lane at the intersection of the employee driveway and Milburn Drive."
11. Dell Boyle asked what is the elevation with the railroad tracks and the parking lot? Is the parking lot the same or higher? David stated that Route 7 is about the same elevation as the parking lot in front of the building. There is no railroad in this area. At some point the parking lot will be above the railroad tracks but with the trees in the area of the railroad tracks you will not see the parking lot. The trees next to the tracks will not be disturbed.

12. Bill Dumian questioned the height of the walls that at some point it was stated that the walls would be 30-40 feet high. Can you tell me where those walls will be? David stated that they would be all around. At the south side of the building where the employee parking will be it is about 10 feet high. The building is lower so these walls are to protect and allow them to excavate down. So the ones on the west side you won't be able to see. There is only one wall that is actually visible.
13. Chris Ostrowsky asked how high the building was. David stated that the building is about 46 feet. Cheryl stated that because of the zone a letter was sent to the agency, which is required under the code, asking if that is the compliance standard for the park and the agency stated that this does meet the requirement. This is a pre-requisite and the IDA gave a positive response. Cheryl also stated that the Town Board declared itself lead agency and a letter was sent to the proper agencies and more than 30 days has lapsed. The town did get some consents and some non-answers so that requirement was also done.
14. There is also a plan to add two additional fire hydrants at the east end in the truck area. The hazardous material that we spoke about for HBAC and then the lift trucks will not be stored on site but will be brought in and out by individual contractors? So there will be no on site storage, hydraulic fluids? Sarah stated correct.

Chairman Hauss asked both Planning Board and Town Board members if there were any more questions. Dell Boyle asked if employees would be allowed to smoke on campus. It was said that an area will be provided for employees to smoke so this way it will keep employees off Route 7 standing and smoking.

All board members agreed with the Site Plan Review.

Planning Board and Town Board both reviewed the Full EAF Part 1 and updated the application per the Errata dated August 8, 2016. Both Planning Board and Town Board reviewed and completed Part 2 of the Full EAF. Upon completion of these reviews the Planning Board made the following recommendation to the Town Board:

**RESOLUTION BY THE PLANNING BOARD OF THE TOWN OF CONKLIN
MAKING A RECOMMENDATION ON THE SPECIAL PERMIT APPLICATION
OF THE BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

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

ABSENT: None

Offered By: Board Member **Chris Ostrowsky** **Seconded By:** Board Member **Lyle Fassett**

The Planning Board (hereinafter “Board”) of the Town of Conklin (hereinafter “Town”), duly convened at a special meeting on August 8, 2016, 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, the Planning Board must first review the proposed development and provide its recommendations to the Town Board; and

WHEREAS, the Town Board has received a request from the Broome County Industrial Development Agency (“Applicant”) for plans to build a distribution center at:

<u>TAX MAP NUMBER</u>	<u>PHYSICAL ADDRESS</u>
194.04-1-7.1	78 Broome Corporate Parkway
194.04-1-40.1	140 Broome Corporate Parkway
194.04-1-22.11	100 Broome Corporate Parkway
194.04-1-24	1308 Conklin Road
194.04-1-27	1312 Conklin Road
194.04-1-23	1304 Conklin Road
194.04-1-6.111	88 Broome Corporate Parkway
194.04-1-20	1286 Conklin Road
194.04-1-25	1310 Conklin Road
194.04-1-26	1306 Conklin Road
210.02-1-46	1314 Conklin Road
194.04-1-22.2	90 Broome Corporate Parkway

located in the Economic Development Zone District, and therefore requires the issuance of a special permit; and

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 on several occasions 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;
- A storm water pollution prevention plan;
- A proposed Long Form EAF;
- The final recommendations from the Broome County Department of Planning & Economic Development pursuant to General Municipal Law §§ 239-1 and 239-m;
- A letter from Broome County IDA finding that the proposed distribution center 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 of their form and substance; and

WHEREAS, notice was given for a special Planning Board meeting to be held at 6:00 p.m. on August 8, 2016 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.

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

1. There is a separate water meter for irrigation.
2. Stripping be completed on Route 7 as recommended on Page 22 of the Traffic Impact Study including pedestrian walkways on Route 7 and all four sides of the Broome Corporate Park.
3. Pedestrian striping if the flag stop is at the employee entrance driveway
4. A “No Right Hand Turn” sign is to be placed at the truck entrance exiting onto the corporate park.
5. No staging of trucks on Broome Corporate Park
6. Cooperate with the Town of Conklin and Broome County to execute either a road agreement or provide a bond or letter of credit if necessary during the construction phase, and further

RESOLVED, that pursuant to Section 140-76 of the Town of Conklin Code, the Board finds that (1) the Applicant’s site plan contains all of the elements that are required by the Town of Conklin Site Plan Review Law; (2) no deficiencies in the site plan appear to exist which would require the attention of the developer and the Town Board; (3) the Applicant has submitted a complete Long Form EAF which 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 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 8, 2016. Said resolution was adopted by the following roll call vote:

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

Town of Conklin Seal

Dated: August 8, 2016

Renee Hauss, Secretary
Town of Conklin Planning Board

A signed copy of this resolution will be on file at the Town of Conklin Town Clerk’s office.

Town Board declared this a Type 1 and Gary Bullock made motion to accept the Planning Board’s recommendations and Chuck Francisco second the motion. All Town Board members agreed with the Planning Board’s recommendation.

Full EAF Part 3 was completed by Town Board as lead agency and it was determined by all board members, based on the information and analysis above, and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts.

Sherri Jacobs will be reporting on the Town Board’s resolution and motion for the second water meter.

Chris Ostrowsky motioned to adjourn Planning Board meeting **Lyle Fassett second**. All present board members approved. Meeting Closed 9:40 PM.

The next Planning Board meeting is scheduled for Monday, September 19, 2016 7:00 p.m.



Respectfully Submitted
Renee Hauss