

SPECIAL TOWN BOARD MEETING
AUGUST 8, 2016

The Town Board of the Town of Conklin held a Special Joint Town Board Meeting with the Town Planning Board at 6:00 P.M. on August 8, 2016, at the Conklin Town Hall. Ms. Cheryl Sacco, Town Attorney, presided. The meeting opened with the Pledge of Allegiance and Roll Call of both boards.

PRESENT:	Town Board Members	Bullock, Boyle, Dumian, Francisco, Finch
	Planning Board	James Hauss, Chairperson
	Planning Board	Lyle Fassett
	Planning Board	Christopher Ostrowsky
	Planning Board	Dan Smith
	Planning Board	Sharon Platt
	Planning Board Secretary	Renee Hauss
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Code Officer	Ron Lake
	Town Engineer	John Mastronardi
	Assistant to Supervisor	Lisa Houston

GUESTS:	Country Courier	Elizabeth Einstein
	Hinman, Howard & Kattell	Sarah Campbell
	BCIDA	Kevin McLaughlin
	Dick's Warehouse	Jonathan Grainger
	Landscape Architects	Michael Haas
	H & M	Van Emery
	Delta Engineering	David Kennicutt
	Environmental Design & Research	Gregory Liberman
		Brian Tyler
	Environmental Design & Research	Tom Dussing
		James Kirkland
		Laurie Francisco
	John Dubay	Arlene Dubay
	Robert Burns	Gerard Minoia
	Thomas Guley	Keith Wilson
	B. Smith	E. Patrick Smith
		Raymond R. Edmister

Notice of Public Hearing having been duly advertised, Town Attorney Cheryl Sacco opened the Public Hearing at 6:02 P.M. to receive input regarding the application for a Special Permit for the Broome County Industrial Development Agency for the development of a project for Dick's Warehouse Distribution Center in the Broome Corporate Park. Sarah Campbell of Hinman, Howard, and Kattell, representing Dick's Warehouse Center, provided an overview and thanked "all those who worked on the plan."

Jonathan Grainger from Dick's Warehouse Distribution Center stated that his company is "very excited" to "come back to where Dick's started." He stated that Phase 1 construction will cover approximately 670,000 square feet. Mr. Grainger stated that this will be the fifth distribution center to help support 160 regional stores in the Northeast. He stated that there will be two shifts of workers, running from 6 A.M. until 3:15 P.M. and 3:45 P.M. until 2 A.M. He also explained that the product will arrive from the vendor and be distributed either to the conveyor or directly from receiving to shipping. Mr. Grainger stated that 466 jobs will be created at this site in the first five to ten years of its existence, with 170 jobs created by the end of Year 1.

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Van Emery of H & M, an architectural/engineering firm, provided artists' renderings which provided an overall view of the proposed project. He explained that there will be two access points: one from Route 7 for employees and visitors, and a second one from the Broome Corporate Parkway for truck traffic. Describing the proposed site, Mr. Emery stated that "branding is important." He stated that the building will be constructed with pre-cast concrete panels with insulation and a steel frame building, with a single membrane roof. Mr. Emery stated that the building will be the traditional Dick's green and cream with highlights of red brick or stone. He explained that the company seeks LEED (Leadership and Energy in Engineering Design) certification for this building, which would label it as a "green" building, with a good work environment, state-of-the-art fire protection, environmentally friendly and energy efficient. Mr. Emery stated that the building will be in "total compliance with the Town Code." He stated that a lighting study had been completed, noting that the exterior lighting will be directed downward, which is a requirement of a LEED building, to prevent light spillage to neighbors. Mr. Emery stated that this will be a "very large building," constructed as one-story, with a mezzanine for material handling.

David Kennicutt of Delta Engineering discussed site design, grading, and preparation of the site for construction. He stated that a traffic flow study showed that the movement of trucks to and from Route 81 to Corporate Drive presents "no problem," adding that it is designated a "level service A." Mr. Kennicutt stated that this will be a secure site with a guard present at all times. He stated that there could potentially be "two or three trucks idling for five to ten minutes in the driveway," noting that most trucks will "drop their trailer and leave.." He stated that there will be six trucks per hour in and out of the facility. Mr. Kennicutt stated that the traffic study also designated that entrance from Route 7 as "level service A," with no serious delay or impact to traffic on Route 7. Any delay would affect only employees leaving the facility. He added that a separate lane for left turns is planned.

Mr. Kennicutt stated that the building will be 1400 feet long and 470 feet wide, with a plan for future expansion. He stated that the application is for a 676 foot, 900,000 square foot building, which includes the future expansion, for purposes of SEQR (State Environmental Quality Review). He stated that the drainage will have no impact to the existing wetlands except for .2 to .3 of an acre, adding that the design meets the Army Corps of Engineers threshold. He stated that flood plain mitigation will be completed in two phases.

Thomas Guley, a Conklin resident, asked about sewage for the facility, and Mr. Kennicutt stated that there are already existing sanitary sewer lines in the area and the new facility will tie in to them. Mr. Guley suggested that the Town check with the Binghamton-Johnson City Joint Sewage Board about being able to send additional sewage to the processing plant. Ms. Sacco explained that the current regulations do not require permission from the Joint Sewage Board because an existing lateral line is being used.

In regard to noise, Mr. Kennicutt stated that there will be no refrigerator trucks and no idling trucks, although there will be some noise from the dock doors opening. He called it a "relatively quiet operation." Planning Board Chairperson James Hauss stated that he understands that there will be 118 trucks per day (total in and out of the facility) 24/7. Mr. Dumian asked if this is for Phase 1 only or if it includes the expansion. Mr. Kennicutt stated that by Year 5 there will be 118 per day. For Year 1, he stated, there will be 69 coming into the facility and the same 69 exiting the facility. Ms. Campbell stated that the property is zoned as industrial and asked where the closest resident would be located. Mr. Kennicutt stated, "500 feet."

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Mr. Kennicutt stated that the top of the building will be the same grade as Route 7, with the docks 30 to 40 feet below grade, adding that the lights will also be the same distance below grade. He stated that retaining walls, an environmental requirement, will be built to avoid impact to the wetlands and to protect the structures. He stated that this will be “an environmentally friendly building.” Mr. Kennicutt stated that the railroad line and berm dampens the noise, adding that the “noise impacts will be very minimal.”

Mr. Gregory Liberman of Environmental Design and Research stated that many studies have been conducted, working in conjunction with the Army Corps of Engineers and the DEC (New York State Department of Environmental Conservation). He stated that the company is impacting less than half an acre, which is allowed in a general permit, adding that the actual area being impacted is .21 acre. He added that the company must also apply to the DEC for a permit, as well as the one granted by the Army Corps of Engineers. Mr. Liberman stated that consideration was given to enhanced water control and retention, animal habitat, and water filtration. He stated that there had been concerns raised regarding the long-eared bat, which is an endangered species found only in New York State, but he added that no caves or roosting trees were found within five miles of the proposed construction site. He added that the area is also second growth and not considered a potential habitat by the Army Corps of Engineers or the United States Fish and Wildlife Commission. Therefore, stated Mr. Liberman, there is nothing to mitigate for bats. He stated that the forty foot retaining walls will allow the wetlands to remain intact. Mr. Liberman stated that the DEC also has no concern regarding habitats for the Northern Harrier (hawk). He explained that the DEC requires wetland mitigation to be done on site, although the Army Corps of Engineers prefers that it be done offsite, so new wetlands must be created to replace the wetlands taken by pavement. Mr. Liberman stated that there is limited vegetation, adding that the construction will be improving the area for watershed and the environment, creating a new low spot for water collection four times larger than the existing space.

Michael Haas of Haas Landscape Architects stated that this will be a “large building” with minor landscaping at the truck entrance and more landscaping for the public/main entrance and parking lot. He stated that they will use native, sustainable species of trees, including large canopy trees to provide shade for the parking lot. Mr. Haas stated that perennials, such as day lilies, will be used to provide a seasonal look and hopefully be “deer proof.” He stated that sustainable flowers and plants will also be used. Vegetation and retaining walls will be used to provide stability to slopes. Evergreens will also be utilized. Mr. Haas stated that small pedestrian lighting will be utilized, projected downward, to provide safety for pedestrians.

Mr. Guley asked if the 24 foot fire lane will run all the way around the building and Mr. Emery replied that the fire department would be able to access the building on all four sides. He stated that there will be a gate between the trucks and the public with a “knockbox,” to which the Conklin Volunteer Fire Department will have a key. Ms. Sacco asked if the turn radius has been completed and Mr. Emery stated that it has been done. He added that wall pack lighting will be used, with poles in the parking lot, faced in a downward direction.

The Form 239 response was received from Broome County Planning Department. Mr. Dumian asked about stormwater drainage provisions and Ms. Campbell directed the question to Mr. Thomas Dussing of Environmental Design and Research. Mr. Dussing stated that there are 2,000 acres of drainage in the Carlin Creek watershed, which runs to the railroad tracks, where it backs up and flows into the new drainage system. He added that there are two culverts under the railroad tracks. Mr. Dussing stated that the design has met DEC MS4 (Municipal Stormwater Sewer Systems) and Town MS4 regulations. He stated that an eight acre-foot area was created

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to make a low point to contain river water from a 100-year flood, adding that there will be neutral impact to upstream and downstream properties. Mr. Dussing Stated that this creates an excess one-half million cubic feet of storage for flood water, which is more flood plain storage than is currently available. Mr. Dumian asked what the percentage of increase is and Town Engineer John Mastronardi stated that he is not sure. The concerns raised by the DEC include erosion/sediment control, water quality, and flooding. Mr. Mastronardi has reviewed the drainage plan. Inspection will occur twice per week. Mr. Dussing stated that the plan is in compliance with the DEC and with FEMA (Federal Emergency Management Agency) requirements. He stated that there will be a slower rate of water going across the property.

The County's response to the Form 239 stated that there will be no County-wide impact. It was noted that the Broome County Department of Public Works had worked with Delta Engineering and had no additional comments. New York State Department of Transportation has no issues with the site plan. Frank Evangelisti of the Broome County Planning Department had these concerns: Special Flood Hazard Area – the MS4 plan will provide mitigation; Wetlands – less than .5 acres will be disturbed; Site Plan Truck Repair and/or Container Stacking – none will occur at this site; future expansion – plan has been addressed; SWPPP (Stormwater Pollution Prevention Plan) – site plan includes requirements; Idling Trucks – no issues with this.

Conklin resident Gerard Minoia of 1288 Conklin Road stated that he is “not opposed” to this project, but added that he has lived in his residence since 1974 and has endured two major floods, adding that he has “big concerns with water.” He added, “The water doesn't all go to Carlin Creek and Schnurbusch Park.” Some of it goes to the culvert behind my house.” Mr. Minoia added that a path to the river for the water has never been cleared. He stated that NYSEG (New York State Electric and Gas Corporation) “made dams and put in the channel and need to clean the channel.” “The DEC has done nothing,” stated Mr. Minoia.

Arlene Dubay of Corbettsville Road asked about lighting, stating that she agreed with the downward focused lights, and adding that she hoped there would be no light pollution to the sky, obstructing the view of stars. She also spoke about traffic issues, stating that there are no provisions for pedestrians to cross the intersection of Broome Corporate Parkway and Route 7. She added that she has been walking this road since 1978. Ms. Dubay suggested painting a crosswalk in the intersection, since there is currently not one there. She also suggested installing a button for crossing the intersection. “We want to be a Walkable Community – we need to develop that,” stated Ms. Dubay. She stated that she is in favor of the proposed project.

Mr. Guley, of 28 Karic Drive, asked Kevin McLaughlin, Executive Director of the BCIDA (Broome County Industrial Development Agency) about the PILOT (Payment In Lieu Of Taxes) agreement with Dick's Warehouse Distribution Center. Mr. McLaughlin stated that the PILOT agreement has been approved by the Town Board and added that the BCIDA will meet on August 17 to consider the PILOT. Ms. Sacco reminded those present that the PILOT is not part of the application being considered. It is a 30 year PILOT. Mr. Guley stated that the former Dick's building in Corporate Park had a 20 year PILOT. “The Town Board and Planning Board have no control over the PILOT,” stated Ms. Sacco. Mr. Finch stated that the area is currently wetlands, “with no income.” “Now we will have some income from it,” he added.

Mr. Guley asked if the traffic flow is 118 trucks over 24 hours. It was explained that this will be 118 trucks in and 118 trucks out, once the expansion is completed. Employees will use the Route 7 entrance only. Planning Board member Christopher Ostrowsky stated that 118 trips is 59 trucks into the facility and 59 out. There will be two shifts of workers – 80 people – with

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shifts running from 6:30 A.M. until 3:15 P.M. and 3:45 P.M. until 2 A.M. It was reiterated that water runoff goes to both the railroad culvert and to Carlin Creek and into Schnurbusch Park.

Conklin resident John Dubay asked if the pre-cast concrete was from New York State and Mr. Emery stated that it has not been purchased yet but added that he is considering local suppliers as well as those from out of state. Mr. Dubay echoed his wife's concerns about the intersection, adding that "trucks fly through that intersection." Mr. Finch stated that the Town has petitioned the State DOT (Department of Transportation) to reduce the speed limit to 40 miles per hour.

E. Patrick Smith of 1275 Conklin Road stated, "The 100 year flood is fiction." He added that if the drainage design proposed for the Dick's Warehouse building is followed the culverts must be cleaned. He also stated that if the truck traffic follows the plan and uses the south entrance to Corporate Park, there will be no noise issue. Mr. Smith added, "Other companies in the Corporate Park are supposed to use the south entrance but they don't." He stated that he is in favor of the project. Mr. Finch stated that Broome County is sending a letter to companies in the Corporate Park reminding them to use the south entrance for entrance and exit to Corporate Park.

Mr. Dubay asked if the 160 new hires are local or transfers and Mr. Grainger stated that it will be mostly local hires, "within a 30 to 40 mile radius."

There being no further public comments or questions, Ms. Sacco closed the Public Hearing at 7:30 P.M.

(Break 7:30-7:40 P.M.)

The Planning Board, under the leadership of Chairperson James Hauss, reviewed the EAF (Environmental Assessment Form) and performed a site plan review in order to make a recommendation to the Town Board. Mr. Hauss began by asking if the SWPPP plan makes assumptions about the conditions of the drainage culverts. Mr. Dussing stated that the culverts are on railroad property and added that a field measure survey was conducted. He stated that he is not sure about the amount of sediment in the culverts and whether the culverts might actually be physically larger than has been noted. Mr. Finch asked about the discharge rate and Mr. Dussing stated that the two culverts combined discharge 254.2 cfs (cubic feet per second) under existing conditions. He stated that with the additional mitigation the total will be 221.3 cfs. Mr. Dumian asked about the culverts and Mr. Dussing stated that his company used "actual measurements." Mr. Ostrowsky asked if the culverts might actually be a larger diameter if the measurement was taken when they are silted in. Mr. Kennicutt stated that he is not sure, as conditions change. Mr. Mastronardi stated that the railroad has jurisdiction over the culverts. He stated that the SWPPP plan looks good, adding that he has made some comments and will issue a SWPPP approval certificate. He noted that the project will disturb more than five acres at a time, so he must send a letter to the Town Board asking the Board to approve this. Mr. Mastronardi stated that all of his concerns have been addressed.

Mr. Kennicutt stated that the traffic analysis was done for the full build-out. He stated that completion of the first phase will be 2017 and added that local traffic will see an increase of 1% per year over the next ten years. Mr. Dumian clarified that there will be 170 employees by the end of Year 1, with 466 employees in Years 5 through 10. Mr. Kennicutt stated that there will be 160 employees per shift times two shifts, with 146 on the weekend shift.

Mr. Kennicutt stated that the lighting will be downward with no upward lighting except for the light illuminating the flagpole. He stated there will be no spillage to the side.

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Mr. Kennicutt stated that the turn lanes will be for the full build-out, not for the initial building, adding that they can be requested for Phase 2. Mr. Ostrowsky stated that he believes the traffic pattern on Route 7 won't change, as any delay will be on the Dick's Warehouse property, not on Route 7. Mr. Finch asked about the possibility of installing a caution blinking light and Mr. Kennicutt stated that there is "no justification for that." Mr. Finch reiterated that the Board has recommended to the NYS DOT that the speed limit from the railroad bridge to Conklin Forks Road be lowered to 40 miles per hour.

Mr. Hauss asked about noise and traffic during the construction phase and asked if a one year construction period is planned. Mr. Emery stated that the building is scheduled to be completed in August 2017. Mr. James Kirkland stated that most of the traffic will occur in the fall, when aggregate for paving is being delivered. Mr. Hauss asked if there is bonding in place to cover degradation of County roads from truck traffic and Ms. Campbell stated that this is not a problem since there is an agreement in place with Broome County. Mr. Hauss asked about the elevation from Route 7 of the parking lot and building and Mr. Emery used the renderings to show that the view of the building will be blocked by trees after the railroad bridge when travelling on Route 7. He added that the building will be fairly level or below eye level. Mr. Emery stated that the Dick's Warehouse sign on the building is not perpendicular to the road. He stated that the best view of the building will be travelling north on Route 7 from the intersection with Broome Corporate Parkway to the railroad bridge. He stated that it will be 10 feet higher than the road, adding that there will be no line of sight to residential areas because the view will be obstructed by trees.

Regarding striping for the turn lane, Mr. Emery stated that the DOT thinks this should be done at the time of the build-out. He added that the DOT gets to make that decision. Both the Town Board and Planning Board agreed to recommend the turn lane be installed from 100 feet northbound making a left hand turn, and from 50 feet southbound making a left hand turn, pending DOT approval. Mr. Boyle asked about elevation with the railroad tracks and the parking lot and Mr. Emery stated that the parking lot is approximately the same elevation as Route 7, with trees hiding the building and parking lot at the railroad bridge. Mr. Dumian asked about the height of the retaining walls and Mr. Emery stated that they will be 30 to 40 feet high at the back of the building and 10 to 12 feet near the parking lot.

Mr. Ostrowsky asked the height of the building and Mr. Kennicutt stated that it will be 46 feet height. Ms. Sacco asked if a letter was sent to the Agency stating that the proposed project meets the requirements of the BCIDA for the Corporate Park and this letter has been sent. She stated that the Town Board has been declared Lead Agency for this project. Mr. Hauss stated that two more fire hydrants should be added and confirmed that there will be no onsite storage of hydraulic fuels.

The Planning Board then worked through the EAF. Part 1, Sections A and B were completed with general information about the project and applicant. Section C1 was answered "No," regarding approval for the project. Sections C2 regarding adopted land uses were all answered "Yes" except for the question regarding the proposed action being within an area listed in an adopted open space plan, which was answered "No." Sections C3 and C4 answered questions regarding the Economic Development Zone, school district, and fire department in which the proposed project would be developed. Section D1 listed acreage involved and whether or not the proposed action is an expansion of an existing project, which it is not.. Section D1e states that the proposed action will be in multiple phases, with a change in Section D1g of the width to 474 feet and the length to 1880 feet. In Section D2a, the volume to be removed from the site was amended from 800,000 cubic yards to 900,000 cubic yards. Section D2b was amended to stated

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that mitigation would require 1.18 acre rather than the stated .023 acre. Section D2c discussed water demand, with the name of the district being amended to read Consolidated Water District #1. Demand will be 6400 gallons per day, including water for irrigation of landscaping for the first year only. Mr. Finch suggested a separate water meter be installed for the irrigation, as that water will not enter the sanitary sewer system. Section D2d discussed liquid wastes, which will be 4800 gallons per day with the build-out. Wastewater treatment plans were confirmed, as were plans for stormwater runoff mitigation. Section D2f states that air emissions will include those from construction equipment and delivery vehicles. Not special permit regarding air emissions will be required. There will be no methane emissions or air pollutants. Section D2j discusses traffic pattern changes, with 118 trucks expected at the full build-out stage. Parking spaces will be changed from 686 to 855. There will be 523 parking spaces for trucks and 332 for cars. Crosswalk striping is recommended for the bus stop across Route 7 from the proposed facility employee/public entrance, as well as at the Corporate Park entrance. Mr. Hauss asked if there will be accommodations for bicyclists and it was stated that bicyclists will share lanes with vehicles and a sidewalk will be added in the future. Section D2k states that there will be a new or additional demand for energy. Section D2l, hours of operation, was amended to read Monday-Friday 6 AM-2:30 PM and Saturday and Sunday to read 7 Am-7:30 PM and to add "No work on major holidays." It was noted that the guard shack will be manned at all times.

Section D2m deals with noise and it was amended to include the following: "Operational primary noise generators during day and nighttime hours will be from trucks entering and exiting the facility. Trucks idling expected to be no more than 10 minutes." Section D2n discusses outdoor lighting, which will comply with Town Code. Sections D2o and D2p discuss odors and petroleum storage, both of which are non-issues for this proposed project. Section D2q discusses herbicides and pesticides. Herbicides will be used on noxious weeds for pre-emergent landscaping pesticides will be used for termite control in unfinished areas. The Proposed Action will use Integrated Pest Management Practices, which is confirmed when the fire inspection is completed. Section D2r discusses management of solid waste generated during construction or operation of the project, with the construction amount to be 35 tons per month, with disposal at the Broome County Landfill. During operation, solid waste will be 300 tons per month. There will be no construction or modification of a solid waste management facility. There will be no storage or disposal of hazardous waste (Section D2t).

Section E1 describes land uses on, adjoining, or near the project site, which include Industrial, Commercial, Residential, Rural, and Other (Successional communities – old field – and second growth forest). Acreage after completion for roads, buildings and other paved surfaces was amended from 55.7 to 50 acres with a change of +39.5, and acreage of meadows, grasslands, or brushlands from 45 to 50.7 acres. The area is not used for public recreation or facilities serving special populations. Section E1e notes that the property contains an existing dam. Sections E1f and E1g confirm that neither solid waste nor hazardous material has been stored or treated at this site. Section E1h states that an Environmental Site Remediation occurred but it has been properly closed by the DEC. Section E2 discusses bedrock and drainage on the sites, which are addressed in the SWPPP application. An amendment was made to Section E2e to note soils are poorly drained on 14% of the property. Sections E2i through E2l discuss the location in floodplain, floodway, or 100 or 500 year floodplain. Sections E2mn-E2q address wildlife identified as inhabiting the site, and the use for hunting or fishing (there is none). Section E3 states that this site is not in a designated agricultural district, a registered National Natural Landmark, nor adjoining a Critical Environmental Area, nor any area on the State or National Register of Historic Places. It is also not within five miles of an officially designated federal, state, or local scenic or aesthetic resource.

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Part 2 of the EAF discusses Impact of the Potential Project. It was noted in Section 1, Impact on Land, that there will be small or no impact. Section 2 – Impact on Geological Features – None. Section 3 Impacts on Surface Water – None or Small. Section 4 – Impact on Groundwater – None. Section 5 – Impact on Flooding – None or Small. Section 6 – Impacts on Air – None. Section 7 – Impact on Plants and Animals – None or Small. Section 8 – Impact on Agricultural Resources – None. Section 9 – Impact on Aesthetic Resources – None. Section 10 – Impact on Historic and Archaeological Resources – None. Section 11 – Impact on Open Space and Recreation – None. Section 12 – Impact on Critical Environmental Areas – None. Section 13 – Impact on Transportation – None or Small. Section 14 – Impact on Energy – None or Small. Section 15 – Impact on Noise, Odor, and Light – None or Small. Section 16 – Impact on Human Health – None. Section 17 – Consistency with Community Plans – Answered “No” to “The proposed action is not consistent with adopted land use plans,” as it is consistent. Section 18 – Consistency with Community Character – Answered “No” to “The proposed project is inconsistent with the existing community character,” as it is consistent. SEQR Status: Type 1.

RECOMMENDATION FROM PLANNING BOARD

The Planning Board made the following recommendations:

- Install separate water meter for irrigation
- Install striping for walkways and all four sides of Route 7 and Corporate Parkway intersection, as well as flagstop for employee entrance
- No right turn onto Corporate Parkway from truck entrance.
- No staging of any trucks on Corporate Parkway
- Cooperate with Town of Conklin and Broome County for bond and/or letter of credit during construction phase.

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 Ostrowsky **Seconded By:** Board Member 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

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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-l 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:

- Install separate water meter for irrigation
- Install striping for walkways and all four sides of Route 7 and Corporate Parkway intersection, as well as flagstop for employee entrance

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- No right turn onto Corporate Parkway from truck entrance.
- No staging of any trucks on Corporate Parkway
- Cooperate with Town of Conklin and Broome County for bond and/or letter of credit during construction phase.

And be it 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

RESO 2016-117: APPROVING THE SPECIAL PERMIT APPLICATION OF THE
BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

PRESENT: Supervisor James E. Finch
Councilman Gary D. Bullock
Councilman Charles Francisco
Councilman William Dumian, Jr.
Councilman Dell Boyle

SPECIAL TOWN BOARD MEETING
AUGUST 8, 2016

ABSENT: None

Offered By: Councilman Bullock

Seconded By: Councilman Francisco

The Town Board and the Planning Board of the Town of Conklin (hereinafter “Town”), duly convened at a joint meeting on August 8, 2016. The Town Board hereby resolves 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, the Town Board has received a request from the Broome County Industrial Development Agency (“Applicant”) for plans to build a distribution center located 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 only offering an advisory recommendation to the special permit; and

WHEREAS, on or about June 14, 2016, 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, the Town Board has received either consents to this action, or no response, from all named Involved/Interested Parties; 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 reviewed:

- A complete site plan and drawings depicting the proposed construction project at the facility;
- A proposed Long Form EAF;
- 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 is

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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, that pursuant to Section 140-76 of the Town of Conklin Code, the Planning Board found that (1) the Applicant's site plan contains all of the elements that required and 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 feels are appropriate for consideration by the Town Board; and

WHEREAS, on or about August 8, 2016, 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 I Action; and (3) the project will not result in any significant adverse environmental impact and therefore a negative declaration should be issued; and

WHEREAS, on or about August 8, 2016, the Planning Board recommended that the Town Board of the Town of Conklin approve the special permit application of the Applicant as submitted but with the following additions on the site plan:

- Install separate water meter for irrigation
- Install striping for walkways and all four sides of Route 7 and Corporate Parkway intersection, as well as flagstop for employee entrance
- No right turn onto Corporate Parkway from truck entrance.
- No staging of any trucks on Corporate Parkway
- Cooperate with Town of Conklin and Broome County for bond and/or letter of credit during construction phase.

And further, 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 paper 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," specifically the notice was published in the Town's official newspaper; and

WHEREAS, said public hearing was duly held at the Conklin Town Hall at 6:00 P.M. on August 8, 2016, 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 May 12, 2016, 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 of Conklin submitted a GML 239 submittal to Broome County Planning and Economic Development and received a response dated July 14, 2016, and which the Department did not identify any significant countywide or intercommunity impacts associated with the proposed project.

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

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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 find 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 has been no concerns about use of radioactive material,
- 4) There has been no concerns about electrical or electromagnetic disturbances,
- 5) There has been no concerns about the air and noise emissions,
- 6) There have been no concerns about water use and the disposal of sewage and wasteproducts,
- 7) There has been no concerns about the use of toxic or hazardous substances,
- 8) There has 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 consideration 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,

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 8, 2016. Said resolution was adopted by the following roll call vote:

Supervisor James E. Finch

YES

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Councilman Gary D. Bullock	YES
Councilman Charles Francisco	YES
Councilman William Dumian, Jr.	YES
Councilman Dell Boyle	YES

Town of Conklin Seal

Dated: August 8, 2016

Sherrie L. Jacobs
Town Clerk of the Town of Conklin

**RESO 2016-118: ALLOW INSTALLATION OF SECOND WATER METER/
DICK'S WAREHOUSE DISTRIBUTION CENTER**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin allows installation of a second water meter at the site of the Dick's Warehouse Distribution Center in the Broome Corporate Park.

Seconded by Mr. Dumian.

VOTE: Bullock – Yes Boyle – Yes, Dumian – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

There being no further business to come before the Board, Mr. Dumian moved for adjournment, seconded by Mr. Bullock. The meeting adjourned at 9:38 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Conklin Town Clerk