

SPECIAL TOWN BOARD MEETING
AUGUST 15, 2017

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 15, 2017, at the Conklin Town Hall. Mr. Dumian, Town Supervisor, presided. The meeting opened with the Pledge of Allegiance.

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| PRESENT: Town Board Members | Boyle, Farley, Platt, Francisco, Dumian |
| Planning Board | James Hauss |
| Planning Board | Sharon Platt |
| Planning Board | Lyle Fassett |
| Planning Board | Chris Ostrowsky |
| Planning Board Secretary | Renee Hauss |
| Town Counsel | Brady Begeal |
| Town Clerk | Sherrie L. Jacobs |
| Town Engineer | John Mastronardi |
| Code Officer/Dog Control Officer | Nick Vascello |
| Assistant to the Supervisor | Lisa Houston |
| Administrative Assistant | Mary Plonski |
| Zoning Board of Appeals | Tom Kelly |
| Zoning Board of Appeals | Art Boyle |

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| GUESTS: Country Courier | Elizabeth Einstein |
| Delta Engineering | Dan Faldinski |
| Delta Engineering | Dave Kennicutt |
| Hinman, Howard & Kattell, LLP | Sarah Campbell |
| Dick's Warehouse Project | Patrick Daugherty |
| Dick's Warehouse Project | Kyle Rookstool |
| | Laurie Francisco |
| | Gerard Minoia |
| | Catherine Minoia |
| | Cindy Marcello |
| | Michelle Knight |
| | Richard Knight |
| Debra Yelverton | Tom Yelverton |
| Karla Toman | Evelyn Deeley |
| Anthony DeSanto | Gary McCaa |
| Eva Peabody | Franklin W. Peabody |
| Bill Dumian, Sr. | Joe Toman |

APPLICATION/SPECIAL PERMIT/DICK'S MERCHANDISING & SUPPLY CHAIN, INC./EXPANSION/PHASE 2/1314 CONKLIN ROAD

Town Attorney Brady Begeal stated that Dick's Merchandising & Supply Chain, Inc., had applied for a Special Permit Modification for its Phase 2 expansion at the site located at 1314 Conklin Road, adding that the original building was approved in August 2016. He stated that comments this evening would be restricted to the expansion.

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PUBLIC HEARING/SPECIAL PERMIT/EXPANSION/DICK'S MERCHANDISING & SUPPLY CHAIN, INC.

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PRESENT: Same as on page on.

Mr. Dumian opened the Public Hearing at 6:01 P.M. and asked those present to speak either for, or in opposition to, the application by Dick's Merchandising & Supply Chain, Inc., for approval of a modification to its original Special Permit application. He stated that the Town Board had approved the building to be 900,000 square feet in 2016, adding that the additional space requested for expansion is 23,500 square feet, meaning that the building would be a total of 923,500 square feet if the expansion application is approved. Sarah Campbell, of Hinman, Howard, and Kattell, attorney for Dick's Merchandising & Supply Chain, Inc., stated that the company needs additional space in the building than was originally thought. She added that the 2016 SEQR (State Environmental Quality Review), traffic study, light study, and endangered species study did not change for the 2017 expansion application.

Ms. Campbell introduced representatives from the Dick's Warehouse Distribution Center project, including Patrick Daugherty, of JLL Construction; Kyle Rookstool, architect; Dave Kennicutt, of Delta Engineering; and Dan Faldinski of Delta Engineering. Both Mr. Kennicutt and Mr. Faldinski are knowledgeable about drainage and MS4 (Municipal Separate Storm Sewer System) requirements.

Mr. Kennicutt explained the site plan. He stated that .2 acres of wetlands would be impacted, adding that other wetlands on the site had been avoided by the site plan design. Mr. Kennicutt stated that he had worked with the DEC (New York State Department of Environmental Conservation) and the Army Corps of Engineers, and added that Dick's Warehouse Expansion Center replaced 1.5 acres more than what was disturbed. He stated that the traffic study had suggested a left turn lane be added off of Route 7, which has already been completed. Mr. Kennicutt stated that the total size of the building will be 900,428 square feet. He stated that during the application for Phases 1A and 1B, the property was searched for archaeological artifacts and none were found. Mr. Kennicutt stated that in the process of designing the MS4 system, the area of drainage was increased so that flooding potential would not increase. He added that the company reduced the amount of paved area for its truck parking. Mr. Kennicutt stated that the number of employees will not change because of the build-out. He stated that the Town Board and the Planning Board had both the original documents from the 2016 application process and the updated documents for the 2017 expansion application, adding that Delta Engineering looked at the traffic issue, lighting plan, and landscaping plan again with regard to the proposed expansion. He explained the landscaping plan, adding that it had been pushed out to allow for the additional size of the building, and explaining that the updated landscaping plan shows more detail than the original.

Ms. Campbell asked Mr. Daugherty if there would be an increase in traffic and he stated that there could be "up to 60 new jobs over three shifts with the expansion," which he added Dick's Warehouse hopes to have online by January 2019. He stated that all of the necessary clearing of the land has been completed.

Ms. Campbell stated that she received the Form 239 response from Broome County, adding that there were "not many comments." One suggestion was to add a guide rail "to the portion of the proposed retaining wall that comes close to Broome Corporate Parkway." It was decided that this is not needed. Town Engineer John Mastronardi stated that he "agreed with the four valid points" offered by the County.

Mr. Begeal stated that some changes had been made to the full EAF (Environmental Assessment Form). He read the written response from Broome County, dated August 10, 2017, including

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these three points: 1) The Town should “exercise caution in approving a project located within the Special Flood Hazard Area,” and “the applicant should be informed of the risks of placing a project within such an area; 2) “DEC and NWI Wetlands encompass a portion of the project site. The conditions of USACOE and NYSDEC permits should be included in the new conditions of approval;” and 3) The Town should be notified of any significant changes in employee numbers and/or shift patterns as they emerge over time. Mr. Dumian stated that the traffic study has been addressed and it includes the additional 60 new jobs. Planning Board Chairman James Hauss asked about establishing a threshold of change in employee numbers or shift patterns, above which the Town must be notified. Mr. Kennicutt stated that “it’s not that simple.” Mr. Hauss stated that the threshold could include a head count plus the original assumptions for shift personnel.

Mr. Daugherty walked the two boards through the EAF Part 1. He began by stating that to avoid a claim of segmentation, the total project is being considered for the purpose of SEQR, thus page 3, Section D-1-c, “Is the proposed action an expansion of an existing project or use?” is “No.” He noted that on page 1, there is a change in the description in paragraph 2 to reflect the proposed expansion. It was also noted that Dick’s Merchandising & Supply Chain, Inc., is now the applicant, rather than the IDA (Broome County Industrial Development Agency). Mr. Mastronardi stated that on page 2, the word “Use” should be removed, since the applicant seeks a “Special Permit,” not a “Special Use Permit.” Mr. Daugherty stated that on page 3, Section D-1-e, Phase 2 will be completed in August of 2018. He noted that in Section D-1-b, the acreage has changed to reflect the expansion. On page 4, Section D-1-g, the dimensions of the building have been changed, and include the mezzanines. Mr. Daugherty stated that page 5 discusses the wetlands reclamation plan. On page 6, Section D2—2-e-I shows the changes in acres of impervious surface and acres of parcel size. On page 7, Section D-2-j-iii states that the proposed parking spaces will be 1,153, including trucks, up from the original 855. Mr. Begeal stated that the Town received a letter stating that the proposed hours of operation have not changed. Ms. Campbell added that the facility will do “no work on major holidays.” Mr. Daugherty stated that page 9, Section E-b shows that the number of acres has changed, and more detail is shown. For example: current acreage of meadows, grasslands, or brushlands changes from 82 to 75.5, with acreage after project completion changing from 45 to 34.4, for a net loss of 41.1, instead of the original 37.0. Wetlands will increase from current 20 acres to acreage of project completion of 21.5. On page 11, Section E-2-e, the percentage of the site that is poorly drained is 24%, not 1.4%. Mr. Daugherty explained that these areas do not drain well because of the types of soil that exist there, such as clay or silt.

Mr. Gerard Minoia of 1288 Conklin Road stated that he has lived at his address for the past 44 years, noting that the railroad company recently cut down trees, so there is now no sound barrier for the trains or for the construction noise from the Dick’s Warehouse site. He stated that his home was flooded twice, in 2006 and in 2011, and questioned the amount of impervious surface created with the new construction. Mr. Dumian replied that the SWPPP (StormWater Pollution Prevention Plan) is in place. Mr. Minoia stated that the water between the railroad tracks and his house has “no way to get to the (Susquehanna) River because the channel has never been cleaned.” Mr. Minoia commented that Dick’s Warehouse had held “two public hearings in one day, one of them at noon.” He stated that the first public hearing was held by the BCIDA and no letter was sent to residents to inform them of the meeting. Mr. Minoia stated that the second public hearing was run by the Town and a letter of information was sent to residents in the project area. He also challenged the Dick’s Warehouse representatives for threatening to have his wife, Cathy, arrested “if she went over to see what was going on.” Mr. Dumian replied that the Dick’s Warehouse Distribution Center is a “major construction site,” and, as such, Mrs. Minoia would need to go to the project manager for permission to be on site or she will be asked

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to leave, citing safety concerns and the “huge fines” that could be assessed to corporations if safety protocols are not followed, such as allowing unauthorized persons on site. Mr. Dumian reminded Mr. Minoia that he, Mr. Dumian, had questioned the assessment of the amount of silt in the drainage ditches during the 2016 public hearing regarding the original structure for the Dick’s Warehouse project, asking if the measurement was the depth in 2016 or from 20 years earlier.

Mr. Anthony DeSanto of 1315 Conklin Road stated that he agreed with Mr. Minoia that the “noise is horrible,” citing construction vehicles and a helicopter flying overhead on the project site. He asked if the Town’s Code does not require a “buffer zone.” He also expressed concern about the drainage and potential flooding. Ms. Campbell and Mr. Kennicutt explained that the wetland and drainage issues have been studied and a plan is in place to control these areas.

Mrs. Minoia stated that “the project impacts everyone,” adding that there will be truck noise and diesel fumes. Mr. Minoia stated that he can “hear the Maines trucks now.” Ms. Campbell stated that the Dick’s Warehouse Distribution Center is “an appropriate project” for this location, citing the fact that it was zoned Industrial “many years ago (1924).” She added that the expansion “doesn’t change the volume or the noise of the trucks,” adding that the noise test states that the levels meet the decibel level criteria set by the Town of Conklin in its Code. Mrs. Minoia asked if Dick’s Warehouse could be “neighborhood friendly” and perhaps put up a sound barrier. Gary McCaa stated that he can “hear the back-up beepers from the box company” (Inland Paper), adding that he “will be impacted.” Ms. Campbell reiterated that the project “meets the requirements,” and reiterated that the property was zoned Industrial in 1924. Mr. Dumian commented that he lives near a commercial property and can often hear construction noises. He stated that “the scope of Conklin is changing from primarily Agricultural to Industrial.” Mr. Dumian added that Dick’s Warehouse is “within their rights. They meet the requirements.”

Mr. DeSanto asked, “How do we know the MS4 plan will work?” He went on to state that there are “5,541 jobs on the NY Job list,” adding that it is hard to fill warehouse and driver positions, and that “Dick’s is coming in here to compete for those workers.” Mr. DeSanto stated that “Dick’s is not loyal to this community. They ran away to Pennsylvania.” Mr. Minoia stated that there was no industrial park in place when he moved to Conklin, adding that a construction company had removed gravel and left holes, where water collected. Mr. Minoia stated that the blacktop at the sites in the industrial park affects drainage in the area.

Tom Yelverton stated that “we all experienced the floods of 2006 and 2011.” He added that it “takes less water to get to the top of the river banks,” noting that it was 15.5 feet two months ago after a hard rain. He stated that more people are having issues with basement flooding and having to utilize sump pumps. Mr. Dumian stated that the average precipitation for the Town of Conklin is 39.3 inches per year, and to date in 2017, we have experienced 38.7 inches already in August. He noted that 2017 has been “the wettest year on record,” which has contributed to the increase in basement flooding. Mr. Yelverton countered that the “swamp area rises faster than in the past.” Mr. DeSanto stated that he consulted a hydrologist, who, he stated, explained that the water table is not high enough to cause basement flooding.

Ms. Evelyn Deeley, who owns property in the project area at 1287 Conklin Road, stated that she is “excited to see business come to the Town of Conklin,” but added that a “sound barrier would be nice.” She asked where the wetlands on the project site will drain and whether the swamp will be saturated and will back up and flood neighboring properties. Mr. Minoia commented that he has “never seen the swamp area rise so fast,” citing drainage from the Corporate Park as a cause, stating that the drainage has no egress to the river. He stated that the Town “should clean

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out the ditch and install flood gates.” Mr. Dumian stated that “the goal of Dick’s is NOT to push water on anyone.” He added that the “ditch has been clogged far too long,” adding that the railroad needs to clean it. “Shouldn’t Dick’s know where the water drains?” asked Mrs. Minoia. Mr. Dumian replied that the SWPPP and MS4 plans address this issue. Dan Faldinski from Delta Engineering stated that the “SWPPP design meets the technical demands of the State.” He went on to explain the SWPPP process. Mr. Begeal asked how the SWPPP gets monitored. Mr. Minoia stated that “Dick’s said we will be better with the SWPPP than we were before.” Mr. Faldinski stated that the SWPPP was reviewed by Mr. Mastronardi and met his approval. Mrs. Minoia asked where the water goes after it leaves the retention ponds. Mr. Faldinski stated that it goes to the culvert by the railroad tracks. Mr. Kennicutt added that a special soil is used in the retention ponds to take out sediment. Mrs. Minoia stated that “it was a gravel pit. They piled dirt behind it.” Mr. Kennicutt stated that the site is in the 100 year flood plain, and that part of the property is “normally a dry hole which fills when it rains,” and thus compensates for the fill that was added. Mr. Faldinski added that the hole is “not filled to capacity now.” Mr. Yelverton asked about the levels of the ponds and the river and Mr. Kennicutt stated that the SWPPP is “designed to mitigate a 100-year flood.”

Mr. Dumian stated that “the DEC is very involved and is very strict.” Mr. Mastronardi stated that the swamps are actually “regulated wetlands,” which “are supposed to hold a certain amount of water.” He added that the culvert pipes have been relined, and actually pass through more water than corrugated pipe did, even though the new relined pipes are smaller in diameter. He stated that New York State owns the wetlands. Mr. Mastronardi stated that he walked the site and did his own inspection, in addition to the inspection done by Dick’s Warehouse contractors. He stated that there has been ten inches of rainfall over the average this year and the soil is saturated, adding that “Dick’s is not to blame.” Mr. Mastronardi explained that the culverts on site are sandbagged and the water attenuated on site. The final stabilization of the retention pond will occur, then the sandbags will be removed. Mr. Minoia commented that “NYSEG (New York State Electric and Gas Corporation) took the trees down and blocked the channel.”

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

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Ms. Campbell stated that Dick’s Warehouse might be able to mitigate the noise, adding that, although they cannot plant in the flood plain, they might be able to plant a staggered tree line in an area outside the flood plain. She added that the warehouse is “not supposed to be working at 5 A.M.” Mrs. Minoia stated, “Trucks will be coming in 24/7.”

Mr. Yelverton asked how many tractor-trailers will be facing Conklin Road, maybe 75 or 80? Ms. Campbell stated, “Dick’s didn’t take the trees out along the railroad tracks. We are here to solve the problems we CAN solve.”

Mr. Hauss led the boards through Part 2 of the EAF. He stated that the changes from the original SEQR included additions to the parking area plus the addition of 23,000 square feet to the size of the building, adding that there is “no significant effect on the SWPPP.” Using the EAF Part 2 from the original 2016 application, the two boards considered all 18 questions, including Impact on Land, Impact on Geological Features, Impacts on Surface Water, Impact on Groundwater, Impact on Flooding, Impacts on Air, Impact on Plants and Animals, Impact on Agricultural Resources, Impact on Aesthetic Resources, Impact on Historic and Archaeological Resources, Impact on Open Space and Recreation, Impact on Critical Environmental Areas, Impact on Transportation, Impact on Energy, Impact on Noise, Odor, and Light, Impact on Human Health,

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Consistency with Community Plans, and Consistency with Community Character. The Boards determined that in each of these categories there is “no change” from the 2016 EAF.

[Break 7:50 – 7:55 P.M.]

Upon reconvening, the Boards declared that this is a Type 1 Action and that “this project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly this negative declaration is issued.”

Discussion ensued regarding the resolution for the recommendation from the Planning Board to the Town Board. Conditions from the original resolution adopted on August 8, 2016 are as follows:

- Install separate water meter for irrigation – already in the plans for the expansion, and so will carry over to the new resolution.
- Install striping for walkways and all four sides of Route 7 and Corporate Parkway intersection, as well as flagstop for employee entrance. Mr. Dumian stated that the New York State Department of Transportation (DOT) has been contacted regarding the crosswalks and added that the Town has requested that the DOT approve lengthening the turn lane, adding a blinking arrow, and reducing the speed limit at that intersection.
- No right turn onto Corporate Parkway from truck entrance. This condition will carry over to new resolution.
- No staging of any trucks on Corporate Parkway. This will be a condition of the new resolution.
- Cooperate with Town of Conklin and Broome County for bond and/or letter of credit during construction phase. Mr. Mastronardi stated that the DOT Highway Permit would address this issue. Ms. Campbell stated that no bond or letter of credit is needed.

Potential new conditions were as follows:

- Establish traffic assessment thresholds/shift changes or number of employees. The traffic assessment was updated in June 2017 and shows no new impact. Employee numbers will increase from 465 to 525 with the expansion. It was suggested that a threshold of 10% growth (approximately 600 employees) require a modification of the Special Permit or a letter of no impact from the Town Board. This would be based on a rolling 30-day average.
- Establish a similar assessment threshold for truck traffic, also at a 10% growth mark. Truck traffic is expected to stay the same at 118.
- Noise mitigation on the east side of the truck area. The deadline for submission of a plan for noise mitigation will be 30 days from today.

Lyle Fassett of the Planning Board asked about the reduction in the speed limit and the length of the turning lane. Mr. Dumian stated that this is a Town issue, not a condition that can be put on Dick’s Warehouse Distribution Center. Mr. Boyle stated that there should be continual assessment as to whether or not the plan is working, regarding truck and employee traffic and the drainage plan. Mr. Francisco commented that the trucks will not all be moving at the same time and Dick’s is willing to plant a noise barrier. It was decided to carry over the three conditions noted above and to add the three new conditions.

RESO 2017-157: 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

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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:

- Install separate water meter for irrigation.
- No right turn onto Corporate Parkway from truck entrance.
- No staging of any trucks on Corporate Parkway.
- Establish traffic assessment thresholds/shift changes or number of employees. The traffic assessment was updated in June 2017 and shows no new impact. Employee numbers will increase from 465 to 525 with the expansion. It was suggested that a threshold of 10% growth (approximately 600 employees) require a modification of the Special Permit or a letter of no impact from the Town Board. This would be based on a rolling 30-day average.
- Establish a similar assessment threshold for truck traffic, also at a 10% growth mark. Truck traffic is expected to stay the same at 118.
- Noise mitigation on the east side of the truck area. The deadline for submission of a plan for noise mitigation will be 30 days from today.

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:

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

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Town of Conklin Seal

Dated: August 15, 2017

Renee Hauss, Secretary
Town of Conklin Planning Board

**RESO 2017-158: 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: Mr. Francisco

Seconded By: Mr. Boyle

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:

| <u>TAX MAP NUMBER</u> | <u>PHYSICAL ADDRESS</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, 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:

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- 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:

- Install separate water meter for irrigation.
- No right turn onto Corporate Parkway from truck entrance.
- No staging of any trucks on Corporate Parkway.
- Establish traffic assessment thresholds/shift changes or number of employees. The traffic assessment was updated in June 2017 and shows no new impact. Employee numbers will increase from 465 to 525 with the expansion. It was suggested that a threshold of 10% growth (approximately 600 employees) require a modification of the Special Permit or a letter of no impact from the Town Board. This would be based on a rolling 30-day average.
- Establish a similar assessment threshold for truck traffic, also at a 10% growth mark. Truck traffic is expected to stay the same at 118.
- Noise mitigation on the east side of the truck area. The deadline for submission of a plan for noise mitigation will be 30 days from today.

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

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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 of 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.

SPECIAL TOWN BOARD MEETING
AUGUST 15, 2017

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

There being no further business to come before the Board, Mr. Farley moved for adjournment, seconded by Mr. Boyle. The meeting adjourned at 8:30 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk