

## PLEASANT VALLEY PLANNING BOARD MINUTES

OCTOBER 10, 2017

A regular meeting of the Town of Pleasant Valley Planning Board was held on September 12, 2017 at the Pleasant Valley Town Hall, located at 1554, Main Street, Pleasant Valley, New York 12569.

Board members Present:

Rebecca Seaman  
Michael Gordon  
Joy Dyson  
Heather Patterson  
Trish Prunty  
Norman Mackay

Board members Absent:

Robert Fracchia

Consultant:

Jim Nelson

Staff:

Pete Satero  
Sonia James

Chairperson Ms. Seaman called the meeting to order at 6:30 p.m.

First item on agenda:

### Peckham Materials Corp.

Mr. Robert Yaremko, represented this application and explained that they propose to do the following:

- Re-grading of crushed stone stockpile area to allow stockpiles to be moved further east, away from North Ave.
- Install a Berm between North Ave. and Stone Stockpiles
- Addition of three Hot Mix asphalt storage silos to allow mix to be stored for extended times

The job will be done in two phases:

1<sup>st</sup> phase: move the piles back from the North Ave and create the buffer with a berm and landscaping.

2<sup>nd</sup> phase: install 3 new hot mix asphalt silos, as the present silos are old and cannot store the hot material for extended periods. The plant has to start early around 4 am to mix and load trucks. The proposed silos can store mix for up to 2 to 3 days and eliminate most of the need to open the plant at 4 am. The tower section

will be demolished. A drum plant will be installed which is a relatively modern way used for mixing. The drum plant will make less noise.

Mr. Dan Flanery stated that it is anticipated that the new silos will be approximately 20 feet in height less than the tower to be removed. It is anticipated that the height of the new silos will be exactly the same as the present ones.

Mr. Traver Thomas, applicant's engineer, stated that this plan has been in process for a number of years. The piles of mix are very close to the road, these will be pushed back towards the inside of the plant, enabling trucks to load inside. The berm will be installed along the North Ave. with trees on top.

Future projections of the views were shown to the board from various angles. The berm will be 6' high with trees on top.

The Chair asked if the applicant had a study comparing present and future noise levels. She stated that this study should be the part of the application to show that the applicant is making an effort to reduce noise.

Mr. Gordon stated that his main concern was the blasting. Adjoining residents can feel the earth move and his concern was this may effect neighbors as concussion travels through the ground.

Mr. Falanery stated that the blasting for the project will be done 1-2 times a week over the course of two months. All blasting is done within the state stipulated guidelines. Mr. Kevin Brown, attorney for the applicant, added that DEC regulates everything; they have set standards for blasting and it is done within the US standards and guidelines

The Chair wanted to know if the applicant has a landscape consultant, as the landscaping plan for the berm will be an important part of the site plan.

Mr. Satero stated that the plans were not complete. All present and future changes should be depicted on the site plan map.

The Chairs expressed that if more silos are added that may increase the noise levels.

Mr. Kevin Brown stated that the project was not to increase the capacity of plant. The technology of the new silos will allow asphalt to be stored for a longer period of time. This will provide greater flexibility in timing for product mixing.

The applicant stated that they are working on surrounding the drum plant with a fence to further reduce noise.

Mr. Satero stated that lighting should be added to the site plan, more information on silos should be provided.

A discussion followed regarding the SEQRA review and the typing of this application.

Mr. Nelson stated that normally we would be doing SEQRA without delay. The applicant is applying for modification, therefore land reclamation permit should be obtained.

Mr. Satero stated that DEC would review storm water and drainage issues. The applicant would need a wetlands permit from the Town of Pleasant Valley.

Mr. Brown stated that the applicant is not utilizing any new land. They are just moving piles back, adding silos, plus installing a drum plant. He further stated that they wanted to appear before the DEC as soon as possible, as the planned work will be done off season.

Mr. Nelson stated that there should be a consensus between the Board and the applicant about noise levels.

The Chair stated that the Board would definitely want a study done on the noise. Also they would like the drum plant to be fenced.

The next step would be for the applicant to submit the complete application. It was suggested that if the application were to be treated by the Planning Board as an un-coordinated review, the Board would be able to direct its concerns directly to the applicant.

Mr. Dan Falanery invited the Board members for a site visit.

The Chair stated that the site visit will be for observation only the Board will not take any questions or comments as this will not be treated as a meeting of the Board but as a visit for informational purposes only.

Mr. White stated that the applicant will need to apply for the Demo, building and wetland permits.

**Sign permit for Paw-Fect.**

The applicant was not present to for discussion of their application, therefore this item will be moved to November Planning Board meeting.

**Discussion – Fence/Wall Laws**

The Planning Board reviewed the proposed local law regulating fences and. The board recommends the adoption of the proposed law, subject to the following comments:

98-28 A.

Amended as indicated below. (Proposed changes of PB only indicated) "May be erected in excess of six feet in height above the existing grade in the front yard of a lot." The surrounding ground area could be altered by a large berm and still meet the requirements of six feet from the "surrounding ground area".

98-28 C

When fences are placed in the front yard in the hamlet or in the two acre zoning districts the PB recommends that the area on the street side of the fence be landscaped. The discussion centered on the balancing of interests between a resident's right to create privacy on their private property and the effect of extensive front yard fencing on the neighborhood and adjacent properties. A modicum of landscaping with bushes or perennial planting would ameliorate the negative effects of a six foot high fence.

98-28 D

D. should either include the specification of "fences and walls in side and rear yards" or be included as a subset of C. as C (1) As a stand-alone paragraph it is not clear that the provision applies only to side and rear walls and confusion is created with paragraph A.

98-28 E

In the event that a survey is not provided to pinpoint the location of a fence, a disclaimer should be included in the language of E. that an approval of a permit by the Zoning Administrator does not provide any assurance as to the proper location of a fence and no rights may be asserted in a boundary dispute based on such approval.

98-28 G2

G 2 should prohibit colors in sharp contrast. To 'discourage' the use of such colors has no legal effect. The use of such colors could negatively impact the character of a neighborhood for other residents.

98-28 G7

G 7 allows open wire fences in OI districts but there is no provision against such fences in the body of the law. If the intention is to prohibit such fence type a statement should be added to F which states that "Fences of open wire construction are prohibited except as set forth in G 7).

Fences necessary for livestock or agricultural use should be exempt. Farmers are often moving their fences and should not have to come for a permit every time they need to do so.

The PB did express their sentiment, that to obtain a permit for fences in side or rear yards might be considered excessive, but realized it would be more difficult to control placement or coloration without the permit process.

A Motion was made by the Chair to close October 10, 2017 Planning Board meeting, it was seconded by Ms. Patterson and approved 6-0.