

MINUTES OF MEETING ~ SEPTEMBER 15, 2008

ATTENDANCE: Rick Bump, Eugene Dutcher, Bob Thurling, Paul Little, George Hilton, Ken Raisner, Harold Ellsworth, and Secretary Pat Smith. Also in attendance was Zoning Administrator Walt Tennyson. Absent was Suzanne Robbins.

MINUTES: On a motion by Mr. Bump, seconded by Mr. Thurling, the Minutes of the August 18th meeting were accepted, as presented. Motion carried 7/0.

CORRESPONDENCE: Adirondack Park Agency permit for Rick Eastman, d/b/a R & R Auto Rebuilders; and Zoning Administrator's Activity Report for August 2008.

OLD BUSINESS: Continuation of tabled projects.

NEW BUSINESS: #SPR2008-04 ~ Rick Eastman proposed car crushing operation & continuation of existing junkyard & auto repair shop. Applicant was in attendance, represented by Attorney Dan Smith of Smith & Simon, LLC.

Applicant has received an Adirondack Park Agency Permit which outlines the authorization for a business involving more than 2,500 square feet of floor space and comprised of an automobile junkyard, towing service, and motor vehicle repair and sales enterprise. The project also includes the construction of a pole barn and concrete slab to be used with the automobile junkyard. Project site is located in an area classified Rural Use, 13.12+/- acres of land located between the Schroon River Road and the Adirondack Northway. The site is in a Recreational River area, identified by tax map parcel #122.-1-18.

Details of the project as proposed include: an automobile junkyard referred to as itinerant Vehicle Processing by the NYS Dept. of Motor Vehicles, and as a Vehicle Dismantling Facility by the NYS Dept. of Environmental Conservation. This portion of the business consists of an End-of-Life vehicle and scrap tire storage area which the applicant proposes to enclose with an 8 foot tall wood fence, and a car fluid draining, storage, and car crushing area. This area is almost entirely naturally enclosed by either an earthen berm or a steep bank which leads up to the Adirondack Northway. Applicant proposes to complete the enclosure of this area with a fence and gate providing vehicular access. End-of-Life vehicles are obtained from 3 sources; accidents/on-road breakdowns, cars that fail to pass NYS Inspection or are otherwise not roadworthy, and cars that have been abandoned in the surrounding area. With the exception of vehicles towed on-site as a result of accidents/on road breakdowns, applicant proposes to undertake car collection on non-holiday weekdays during the hours of 8:30 am to 5 pm. Vehicles will then be inspected for leaking fluids. If a leak is found, the vehicle will be placed in the garage for fluid recovery before being stored in the area for end-of-life vehicles. At some point prior to crushing, catalytic converters, tires, mercury switches and other vehicle components, which must be recovered prior to crushing pursuant to environmental conservation Law Article 27, title 23, will be removed from each vehicle, stored on premises and disposed of through the appropriate hauler or recycler. Prior to periodic crushing, vehicles will be transferred to the Auto Crushing Area, and moments before crushing, all fluids will be drained under a 16-foot tall, 14 foot by 25 foot natural earth tone pole barn, which is proposed

for construction as part of this project. This three-sided structure will have a slab concrete foundation and a 6-inch concrete containment wall to prevent liquids from reaching the soil. This structure will also house all drained fluids collected prior to crushing. Crushing will occur no more than four days per month between the hours of 8:30 am and 4:30 pm. To control noise, the applicant proposes to employ a "quiet" type of diesel engine for the mobile crusher. Noise will further be controlled by use of properly muffled mobile equipment. In addition, all on-site mobile equipment will be fitted with broad band sound backup alarms. Applicant further proposes dust control by placing gravel and crushed stone within the Auto crushing area. In addition, the auto crushing area and the storage area for end-of-life vehicles will be watered, as necessary, to control dust.

Automobile repair facility. This aspect of the business involves mechanical and body repairs to automobiles within the existing one story garage. Used vehicles will also be sold from this repair facility. Garage doors will be closed when repairs or painting of vehicles is in process, and exhaust fans employed so that paint odors will be discharged to the rear of the structure. Repairs and rebuilding will occur on non-holiday weekdays between 8:30 am and 5 pm. Up to five vehicles will be offered for sale on the project site at any given time. These vehicles will be located adjacent to the existing one story garage. The auto body painting activity will be terminated at the end of 2008.

Automobile Towing service. The 24-hour towing service involves towing services for accidents and on-road breakdowns as well as for the collection of junk end-of-life vehicles from the surrounding area. This business component will use up to four tow trucks which will be parked along the northerly end of the gravel surface shown on the site plan. Applicant proposes planting of seven white pine trees, each no less than 6 feet in height, along River Road to partially screen the tow truck parking area from travelers using that Route.

A large open field is located predominately in the southeasterly and westerly portions of the project site. Slopes within the cleared area are in the range of 0-3%. Between the limits of clearing and the Adirondack Northway, large white pines exceeding 70 feet in height dominate, while slopes in this area exceed 20%. As a result, the travel surface of the Northway is approximately 40 to 60 feet above the level grades found on the project site. Dense coniferous and deciduous vegetation also exists in this area. Nearby land use and development includes the Adirondack Northway to the west and open space forest with low density seasonal and year-round development along both sides of Schroon River Road. Existing junkyard is located 160+/- feet from River Road, and 550+/- feet from the Schroon River. There are no wetlands or surface waters on or immediately adjacent to the project site.

The Park Agency had notified all adjoining landowners and those parties as statutorily required by Section 809 of the APA Act and published a Notice of Complete Permit Application in the Environmental Notice bulletin. Forty five written comments were received by the Agency. Of these, 43 were in support of the project, while 2, both from a single landowner, were in opposition. Of the 18 comments received from residents living on River Road, 17 were in support.

The Park Agency has set forth conditions for the approval with regard to projected remaining building density, building location and size, accessory uses and structures, building color, outdoor lighting, visual/open space protection, air quality, signage, waste management,

reporting following a written request from the Agency, times and hours of operation, and noise.

Having received comprehensive review by the Park Agency, and further, having deadlines to meet for the Agency and DEC with regards to implementation of certain requirements, applicant has asked that any public hearing be waived, and approval be given.

Mr. Little added that he had visited the site and if he'd had to choose a site for this operation, he would have chosen the very one that it sits on. He found the site to be clean, the operation not at all visible to passers by, and did not see how operations there could possibly affect the neighbor to the south, whose house is actually located in the Town of Warrensburg.

On a motion by Mr. Ellsworth, a public hearing was waived, and approval was given for application #SPR2008-04, within the limits and conditions as established by the Adirondack Park Agency Project Permit #2008-64, dated August 27, 2008. Motion was seconded by Mr. Bump and carried 7/0.

#SPR2008-07 ~ Becky Ross's proposed relocation of Flower shop. Applicant currently operates a Flower and Gift shop business at 6300 State Route 9, d/b/a Becky's Bloomers. She proposes relocating to Chester Commons, 6272 State Route 9, in the space formerly occupied by Video Mansion. There will be no changes to her business operations, but relocation will afford better ingress and egress and customer parking, as well as additional space for her store. Following brief discussion, motion was made by Mr. Dutcher to approve application #SPR2008-07 for relocation of the flower shop, waiving any public hearing. Motion was seconded by Mr. Hilton and carried 7/0.

#SPR2008-08 ~ Walter Fredericks proposal for change of use from retail to a distribution facility. Applicant currently has a boat sales and storage building of 2000 square feet located on the Skeets Road, off State Route 8. The business is no longer in operation, and it is now being proposed for use by Coca Cola as a centralized distribution center. As explained by Jeff Blanchard, in charge of sales and warehouse distribution for Coke, there would be 2 to 3 deliveries of tandem 35' stocked trailers brought to the site on a daily basis, Mondays through Fridays, as a rule, with no weekends. The trailers would be loaded in Albany before being brought here. They would be left on the lot, and drivers would be arriving at approximately 6 or 7 am to hook up to a loaded trailer for distribution. Trailers would be brought in approximately 3 times each day, with the last delivery, hopefully, being done by midnight. There would probably be 2 trailer deliveries during the winter months, and 3 in the summer, depending on market demand for product. There would be 8 foot chain link fencing installed around the perimeter of the property with barbed wire along the top, and outfitted with security alarms. Any lighting would be utilized from that which is already installed on the building, and would be downcast. Noise would be fairly minimal to the surrounding residences, with the possibility of a hum coming from the block heaters on the trailers during the winter months, and back-up alarms beeping. Following extended discussion, motion was made by Mr. Little, seconded by Mr. Thurling, to schedule a public hearing for the October 20th meeting. Motion carried 7/0.

PUBLIC PRIVILEGE: No discussion.

BOARD PRIVILEGE: No discussion.

ADJOURNMENT: On a motion by Mr. Bump, seconded by Mr. Ellsworth, the meeting adjourned at 7:45 pm.

Respectfully submitted,

Patricia M. Smith ~ Secretary