

TOWN of PAVILION PLANNING BOARD
Regular Meeting Minutes
November 17, 2015

Present: Larry Dagan (Chairperson), Susan Kinney (Co-chairperson), Gary Kingsley (member), Terry Bartholomew (member), Gary Freeman (Alternate), Craig Prucha (member), Don Brooks (member), Liz Conway (member), Kelly Kinney (clerk)

Guests: Dan Lang (Zoning), Doug Kelkenberg (property owner), Dan Stowell (Superior Energy), Al Lyons (Neu-valle)

The meeting was called to order at 7:00PM by Chairperson Larry Dagan. The first order of business was the Pledge of Allegiance.

Gary Freeman, as alternate, will not be voting on issues tonight as the full board is in attendance.

Minutes from 10/13/15 were reviewed. Some minor corrections in name spellings and positions were noted. Motion made to approve corrected meeting minutes by Craig Prucha and seconded by Don Brooks. Voice vote was unanimous.

Review of Materials Submitted by Superior Energy:

-The site plan was submitted to the Pavilion Planning Board. Also included were letters noting the approval of the site plan proposal by the US Army Corps of Engineers and the Department of Environmental Conservation.

Minor suggestions were made by the board regarding moving the office building and parking lot farther south to allow more green space for plantings and berms along the Junction Road edge. It was also suggested that the green space plantings and or berms show more clearly on a revised site plan before submitting to the Pavilion Town Board.

Also discussed was the western driveway off Lake St (Rt 19) to consider ease of truck access.

-A letter was submitted from the US Army Corps of Engineers agreeing with the wetlands delineation on the site map.

-The Planning Board reviewed a lot survey map of the property currently owned by D. Kelkenberg at the proposed site.

-Letter submitted from the NYSDEC approving the Town of Pavilion Planning Board as the SEQR Lead Agency for the environmental review.

7:30PM Don Brooks left, Gary Freeman will now vote in his place as alternate.

Superior Energy SEQR Full Environmental Asset Form Review and Completion
SEQR Full Environmental Asset Form can be found at:

<http://www.dec.ny.gov/permits/6191.html>

Part 1 identifies the project and its participants

Part 2 identifies environmental impacts

1. Impact on Land – Yes

d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material: Moderate to Large Impact: Over a timeframe of 12 to 15 months 5,400 to 13,000 tons of topsoil may be removed and/or reused at the site. Shall be replaced with sub base and top as needed. There will be no blasting at the site, only grading.

2. Impact on Geological Features - No

3. Impacts on Surface Water - No

4. Impact on Groundwater – Yes

a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells. No or small impact: a new well will be required but will be a minor impact as it will be servicing an office only. There will be no large usage of water at the site, no cleaning of tanks etc.

f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer. No or small impact: any potential impact will be mitigated by containment laws regulated and inspected by the DEC.

5. Impact on Flooding – No

6. Impacts on Air – No

DEC Region 8 issues a letter stating that no air permit is required – copy to be submitted for our records.

7. Impact on Plants and Animals – No

8. Impact on Agricultural Resources – Yes

c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land. No or small impact: less than 5 acres shall be impacted, which is a very small portion of the active agricultural land.

d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District. No or small impact: 3.5 to 5 acres may be impacted.

9. Impact on Aesthetic Resources – No

10. Impact on Historic and Archaeological Resources – No

11. Impact on Open Space and Recreation – No

12. Impact on Critical Environmental Areas – No

13. Impact on Transportation – No

There is expected to be about 4 trucks per day in total.

14. Impact on Energy –Yes

Although there will be some impact it is expected to be small in all areas of concern.

15. Impact on Noise, Odor and Light – Yes

e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions. No or small impact: minimal sky-glow like that of a porch light is possible, all area lighting will be down turned.

16. Impact on Human Health – No

All tanks will conform to DEC containment law.

17. Consistency with Community Plans – Yes

e. The proposed action is inconsistent with local land use plans or zoning regulations. No or small impact: The property will be rezoned back to its original Industrial zoning and is adjacent to another industrial use location and resides on a primary roadway.

18. Consistency with Community Character – No

Part 3- allows for notes and comments as well as signature of officer.

9:06 pm: After reviewing and completing the SEQR motion made to approve and submit to the Pavilion Town Board by Susan Kinney and seconded by Larry Dagan.

The Vote taken:

Craig Prucha: Yes Gary Kingsley: Yes Terry Bartholomew: Yes

Gary Freeman: Yes Liz Conway: Yes Larry Dagan: Yes Sue Kinney: Yes

Updates by Dan Lang (ZEO)

Would like to board to consider discussing land separations in the December Meeting.

Liz Conway suggested that we need to start looking into important issues that need to be addressed or updated; for example: review zoning ordinances and laws, as well as antiquated signage rules. She suggests getting copies of comprehensive plans and zoning laws for review starting in January 2016.

Last on the Agenda: Larry Dagan has announced that this will be his last meeting if the December meeting is held on the regular date, as he has a conflict due to an out of town commitment. He is required to resign from the Planning Board at year end due to his recent

election to Pavilion Town Justice. The Pavilion Planning Board would like to extend our thanks to Larry for his hard work and dedication. We wish him the best of luck in his future endeavors.

Terry Bartholomew motioned for adjournment at 9:15PM; seconded by Gary Kingsley. Voice vote was unanimous.

Submitted by: Kelly Kinney
12/4/15