

## LIVINGSTON PLANNING BOARD

August 22 2018

The Special meeting of the Livingston Planning Board on the application by the Hudson Valley Creamery for an amended site plan pursuant to the Livingston Zoning Law was held August 22, 2018 and opened at 7:15 p.m. In attendance were Chairman Phil Schmidt, Robert Bellinger, Chip Keil, James Mc Farland, Stephen Thibault and Martin Nayowith.

Attorney Ted Hilscher and Engineer Michelle Mormile.

Absent: John Ross and Bernie Stickles.

Correspondence: Columbia County Board of Health Dated August 15 2018. RE: Hudson Valley Creamery.

Columbia County Planning Board RE: Hudson Valley Creamery.

Engineer Pat Prendergast gave an overview of the project. Starting with the January application and the ensuing public hearings.

Changes were made to the traffic flow allowing tankers hauling milk to unload inside and room for trucks to be able to exit without blocking route 9.

Questions and concerns from the public:

1. Carol Clark asked if access from Route 9 will be the same? Yes.
2. Concerned about the water, will it have County Planning Board approval?
3. Local issues who will monitor it? Subject to DEC and CCBH.

Charles Schneider:

1. Inquired about a large oil tank in the parking lot? It was removed in 2012.
2. Fire Commissioner are concerned about an emergency requiring the fire company to respond and not room for the equipment. Not acceptable.

Michael Dorahty.

1. Did not see the wastewater plans on the web site.
2. Concerned with the increase of phosphates and nitrogen levels that will occur. Waste water holding tanks and septic beds. These will be monitored daily with reports going to DEC.

Attorney Hilscher asked the Board the Following

***Short Environmental Assessment Form***

***Part 2 – Impact Assessment***

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

No impact. Food processing is a permitted use in the Agricultural Development/Light Industrial District.

2. Will the proposed action result in a change in the use or intensity of use of land?

No impact. Applicant's proposal calls for continuation of the current use of land, manufacture of cheese.

3. Will the proposed action impair the character or quality of the existing community?

No impact. Applicant's proposal calls for continuation of the use of the current physical plant, with some additional structures which are consistent with current use of the site, and a continuation of deliveries by truck to and from site.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Not applicable.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

No impact.

6. Will the proposed action cause an increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable energy opportunities?

No impact.

7. Will the proposed action impact existing:
  - a. Public/private water supplies?

With respect to private water supplies, there are two possible areas of impact: (1) quantity of water in neighboring wells and (2) quality of water in neighboring wells.

As to the first issue: the applicant has performed draw down tests on a neighboring well (Keegan) which shows no impact to said well. The draw down test consisted of pump testing the applicant's on-site well (Well #4) for seventy two hours, and monitoring the draw down in the amount of water in the neighbor's well. The town engineering firm has reviewed said results and based on the information received, it does not appear that the neighboring well is hydraulically connected to Well #4 on the applicant's site.

As to the second issue: the applicant has indicated that it will be discharging 15,000 gallons of wastewater per day. 15,000 gallons per day of wash water will be sent to the proposed package wastewater treatment plant onsite. 13,000 gallons per day of the wash water will be sent to the on-site subsurface system where it will percolate into the subsurface soils. The remaining 2,000 gallons per day of sludge waste from the package treatment plant process will be hauled to an approved wastewater treatment plant offsite. An additional 750 gallons per day from sanitary waste (employees) will also be sent to the onsite subsurface system. A total of 13,750 gallons per day will be sent to the onsite subsurface system where it will percolate into the subsurface soils.

Wastewater containing any hazardous materials would have the potential to contaminate neighboring wells.

The applicant has represented that no chemicals or solvents will enter the wastewater by the process of cheese manufacture or the cleaning of equipment.

Wastewater facilities, of this size, by state law, must be approved by Department of Environmental Conservation. The content of wastewater will be monitored by Department of Environmental Conservation.

Therefore there will be no impact.

b. Public/private wastewater treatment utilities?

No impact.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

No impact. The Planning Board has received correspondence from New York State Department of Parks, Recreation and Historic Preservation that no such resources will be impacted.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

No impact. The Planning Board restates comments found above at question #7.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

No impact. The applicant has submitted a Storm Water Pollution Prevention Plan (SWPPP) which must be approved by Department of Environmental Conservation prior to operation.

11. Will the proposed action create a hazard to environmental resources or human health?

No impact.

A motion to declare a negative declaration for the Hudson Valley Creamery SEAF was made by Robert Bellinger and 2nd by Chip Keil. All present voted AYE.

**Resolution Granting Amended Site Plan Approval to  
Hudson Valley Creamery**

**Name of Project:** Hudson Valley Creamery

**Name of Applicant:** Hudson Valley Creamery, LLC

**Date:** August 22, 2018

**Whereas,** the Town of Livingston Planning Board has received an application for an amended Site Plan Approval from Hudson Valley Creamery, LLC for the expansion of an existing +/- 13.4 acres facility (Tax Map Parcel No. 161-1-2) located at 2986 Route 9 in the Agricultural Development/Light Industrial (AD/LI-1) Zoning District in the Town of Livingston, Columbia County, New York; and

**Whereas,** the applicant submitted a Proposed Amended Site Plan prepared by Patrick J. Prendergast, P.E. Consulting Engineer dated May 15, 2018 and revised on July 9, 2018, August 5, 2018, and August 22, 2018, that shows the location of the proposed structures, wastewater treatment system, and water system; and

**Whereas,** the Planning Board has reviewed the Site Plan application against the general standards for a Site Plan Approval found in §6.7.1 Site Plan Review of the Town of Livingston Zoning Law;

**Whereas,** after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on February 7, 2018 determined that the proposed project is an unlisted action that meets the thresholds found in 6 NYCRR 617.5(c) (10) and circulated the project application and Short Environmental Assessment Form (EAF) dated March 1, 2018 to all Involved and Interested Agencies; and

**Whereas,** on July 11, 2018, the Planning Board opened a duly noticed public hearing on the Site Plan application, which Public Hearing was continued on August 8, 2018, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on August 8, 2018; and

**Whereas**, the Planning Board had deliberated on the application and all the matters before it.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board has determined that.

a) The amended site plan meets the provisions of the town zoning law and the intent of the town master plan, particularly in regard to the obligations of the Planning Board found at Section 6.7 of the Zoning Law, entitled Site Plan Review.

b) The proposed use and layout will be consistent with the current use of the site.

The Planning Board hereby grants amended Site Plan approval to Hudson Valley Creamery in accordance with the plans and specifications heretofore submitted, subject to the provisions of the Town Code, and subject to the following conditions and modifications:

- A. Obtain approval from the Columbia County Department of Health for the proposed water supply system.
- B. Obtain approval from the New York State Department of Environmental Conservation SPDES Permit for the Sanitary & Industrial Wastewater Systems (NY-2C).
- C. Approval of the Stormwater Pollution Prevention Plan (SWPPP) by the NYSDEC and submission of an acknowledgement letter of coverage from the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002).
- D. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required P.E. and L.S. stamps and signatures.
- E. There shall be no chemicals or solvents released in wastewater, as represented by applicant. The applicant's operations shall be limited to the use of chemicals listed on NYSDEC NY-2C permit, and monitored by NYSDEC through periodic inspections of plant operations. NYSDEC will also monitor applicant's wastewater treatment plant effluent discharge by tests and sampling which are performed by applicant's wastewater treatment plant operator. All results of tests and sampling shall be provided to the town. If any chemicals are added to applicant's NYSDEC NY-2C permit, applicant must provide notice to the town.
- F. There shall be no standing water due to wastewater discharge.
- G. Existing lagoon will not be utilized in treatment of wastewater.
- H. The applicant shall comply with the traffic circulation plan dated August 22, 2018 submitted by P. Prendergast P.E.
- I. If any complaints are received regarding traffic circulation or amount of traffic, applicant shall address said complaint before Planning Board.

- J. The applicant shall decommission well # 1 and 3 as required by the Columbia County Department of Health letter dated August 15, 2018. Decommissioning of wells shall be in accordance with NYSDOH Part V Standards for Water Wells and completed by a NYSDEC registered well driller.
- K. All fees owed to the Town of Livingston related to the expenses of the consultants hired by the Town of Livingston to review, research and make inspections and report on this application shall be paid in full prior to stamping plans or issuance of certificates of occupancy. Failure to make payment in full within 60 days of the date of approval shall render said approval null and void.
- L. By accepting plans stamped by Town of Livingston Planning Board chairman or building permit signed by the Town of Livingston Building Inspector, applicant agrees to comply with all conditions.
- M. A violation or non performance of any of these conditions may result in a revocation of this approval by the Planning Board. Violations of any conditions are to be considered violations of the Town of Livingston Zoning Law and shall be subject to prosecution in Livingston Town Court and/or Columbia County Supreme Court. The applicant shall pay the costs of all attorney fees and litigation expenses of the town in the event of a plea or a conviction in favor of the town.

When the above conditions have been satisfied, four (4) sets of the above referenced plans shall be submitted for Planning Board Chairman endorsement. One (1) set shall be returned to the applicant, one (1) set will be retained by the Planning Board, one (1) set will be provided to the Town Engineer, and one (1) set shall be filed with the Town Clerk.

Changes to the Site Plan shall require the approval of the Planning Board.

- A. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy(CO):
  - 1. A CO shall not be issued unless all proposed improvements have been completed in accordance with the approved Site Plan.
- B. The following are general conditions which shall be fulfilled throughout the construction and operation of project:
  - 1. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permit.

**BE IT FURTHER RESOLVED**, that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, and a copy sent to the applicant.

On a motion by Stephen Thibault, seconded by James McFarland, and a vote of

Roll Call Vote:

Chairman Philip Schmidt Aye.

John Ross Absent.

Robert Bellinger Aye.

Chip Keil Aye.

James McFarland Aye.

Stephen Thibault Aye.

Martin Nayowith Aye.

Resolution declared: \_\_August 22 2018

There being no further business a motion to adjourn was made by James Mc Farland and 2<sup>nd</sup> by Chip Keil. All present voted AYE.

The next meeting will be held September 05, 2018 at 7:00 p.m. Meeting closed at 8:17 p.m.

Respectfully submitted,

Eileen Yandik

Secretary Livingston Planning Board.