

**VILLAGE OF PAINTED POST  
PLANNING BOARD  
MEETING MINUTES  
WEDNESDAY, FEBRUARY 3, 2021**



**ATTENDANCE:**

**Planning Board Members Present:**

Marcia Weber (chair), Martha Tober, Moira French, Kathleen Scolaro, Art Stilwell (alternate)

**Absent:**

Vickie Button

**Planning Consultant:**

Chelsea Robertson

**Village Clerk:**

Anne Names

**Others:** Travis Ferree & Danielle Kenny– Village Trustee, Chris Morral – Tyoga, Jamie Johnson – Steuben County IDA, Jill Staats – Steuben County IDA, Representatives from Larson Design Group, Ralph Foster – Village Mayor

**Approx.** 8 members of the public present

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**1. CALL TO ORDER:**

Meeting was called to order at 5:45 PM by Marcia Weber, Planning Board Chair.

**2. APPROVAL OF THE MINUTES FROM JANUARY 6, 2021.**

**Motion by:** Art Stilwell

**Seconded by:** Martha Tober

**Carried.**

**3. OLD BUSINESS:**

**Tyoga Container Project Complete Application Review**

Marcia, Planning Board Chair, gave the following summary -

Many documents for this project have been reviewed. Those documents include an Environmental Impact Statement, a Stormwater Prevention Pollution Plan, a Traffic Study, a Noise Study and a Vibration Study. We have conducted two formal public hearings, one on June 3rd and the other on July 22<sup>nd</sup>. We, along with our Southern Tier Central Regional Planning and Development Board consultant, have received, listened to and responded to countless public comments that came from either phone calls, emails or FOIL requests. We have gone back to the applicant with questions from the Planning Board and from the Village residents about the project and the studies, and we have shared the answers that we have received with the Board and the residents.

At our meeting today we need to do two things:

- 1) Determine the environmental significance of the project under SEQRA (NYS Environmental Quality Review Act).
- 2) Determine the approval, denial or modified approval of the Special Use Permit requested by Tyoga for this project.

It's been our responsibility as a Planning Board to identify the impacts of this project on a variety of environmental topics listed in SEQR.

Those that we highlighted at our may meeting were "small impacts" regarding land, surface water, historic resources, consistency with community character, and noise, odor and light. We identified a "moderate to large impact" regarding transportation. Our role is to determine whether we can adequately mitigate the impact of transportation or other issues by setting conditions that the applicant must follow as a part of the Special Use permit.

Chelsea, Planning Board Consultant, led the Board through the review so they could determine whether to decide on approval, denial or modified approval for the Special Use Permit application. She explained the difference between a negative SEQR declaration and a positive one. She said that the DEC signed off on the water impact and that the rest of the impacts come down to noise and vibration. Marcia noted that the property is zoned industrial. Chelsea explained that while it is an industrial site and always has been, the public concern stems from the number of years that it was vacant and quiet and how the possible use of the site will impact the neighborhood through noise and traffic.

It was also noted that the Village went through the process of updating their Comprehensive Plan two years ago and then updated the zoning law. When West Water Street zoning was discussed, the zoning committee agreed that the area on West Water Street would remain zoned industrial.

Moira, Planning Board member, brought up the concern someone had about rail use and Chelsea explained that plan submitted had zero use of rail. The plan says that the use of the rail would be retained by the Village. If at a later date Tyoga would like use of the rail they would have to go through the whole process again and do a site plan amendment as well as strike a deal for use of the rail with the Village, as it will be owned and maintained by the Village.

Moira also wondered if the planting of trees would help with the noise and vibration issues. There is proposed tree planting on the site, but that wouldn't really have an effect on the trucks traveling on the street. Chelsea noted that the thing that helps vibration is distance. Travis, Village Trustee, said that there are two ways to mitigate the impact of vibration from the trucks and that is to either modify the suspension system on the vehicle or increase the mass.

Chelsea explained a Special Use Permit. A Special Use Permit in the Village allows you to apply for a use that is an allowed use, but with conditions. Marcia then went through the suggested mitigation list –

- \*A maximum of 35 trucks (70 truck trips) during the hours of 6am and 10pm. These are the hours of operation. The trip amounts are the number that the study settled on. There was an additional recommendation of limiting truck traffic during peak hours (7-8am, noon-1pm and 2-3pm).
- \*Noise would not exceed 55 decibels.
- \*Asked for a lighted crosswalk and additional signage, paid for by Tyoga, along West Water Street to enter the park. The main concern was children crossing the road to get to the park.
- \*Asked for a speed limit of 20 mph.
- \*Asked for a road use agreement between the Village and Tyoga that would pay for any additional damage caused by Tyoga trucks. The Village will mill and repave West Water Street before Tyoga is operational. This way the Village will be able to determine if Tyoga is causing more damage to the street than just the usual wear and tear from traffic. There will be an evaluation every five years to determine this.
- \*Asked for removal of on-street parking along West Water Street on the south side from Steuben to the Tyoga site prior to Tyoga becoming operational. Art Stilwell said that he has not seen cars

parked on the south side of the street, but that it would be a good idea to post “No parking” signs there.

\*Asked for widening of the road at the Tyoga site entrance within the existing right of way on their site.

\*Asked that the fence around their site be no more than six feet tall and without razor wire.

\*Requested that the maximum weight of the truck be 42,000 pounds.

Art Stilwell and the rest of the Planning Board all agreed that the what’s included in the plan that they’ve been reviewing over the past 15 months addresses all the concerns about increased traffic on the road.

Chelsea reiterated to the Planning Board that a “Negative Declaration of Environmental Significance” means you agree the mitigation efforts are enough to mitigate any negative environmental impacts. And that a “Positive Declaration of Environmental Significance” means you believe there needs to be alterations to the plan and or the mitigation efforts ARE NOT enough to mitigate negative impacts. The board discussed this to ensure they all understood what they are voting for.

**There was a vote to issue and file a Negative Declaration of Environmental Significance,** based upon the above-mentioned mitigation efforts being implemented as a part of the Special Use permit.

**Motion by:** Art Stilwell

**Seconded by:** Moira French

**Carried.**

**The next step was a vote on the Special Use Permit.**

Chelsea explained the options for the vote as follows:

- Approve the Special Use Permit outright
- Approve with conditions
- Modified approval - requesting a change to the applicant’s actual plan
- Deny the application – which must include an explanation why.

**There was then a motion made to approve with conditions.** The conditions are:

\*A maximum of 35 trucks from 6am to 10pm.

\*Noise not to exceed 55 decibels,

\*One lighted walkway crossing with additional signage that’s paid for by Tyoga

\*Hours of operation in two shifts from 6a.m. to 2:30p.m. and 2:30 pm to 10:30 pm

\*Maximum number of trucks in peak hours to be seven total, which would be fourteen trips.

\*Road use agreement to be made between the Village of Painted Post and Tyoga after the road has been repaved.

\*Removal of on-street parking along West Water Street on the south side from Steuben and Tyoga prior to becoming operational

\*Widening of the road on the Tyoga site entrance within the existing right of way

\*A fence around the site to be no more than six feet in height and no razor or barbed wire on the fence

\*Maximum weight of the trucks to be 42,000 pounds

\*West Water Street speed limit to be 20 mph, with Painted Post to enforce the speed limit

\*Additional signage of no parking

**Motion by:** Art Stilwell

**Seconded by:** Martha Tober

**Carried.**

**4. NEXT MEETING:**

Wednesday, March 3, 2021

**5. ADJOURNMENT:**

**Motion:** *To adjourn the meeting*

**Motion by:** Martha Tober

**Seconded by:** Art Stilwell

***Carried.***

Meeting was adjourned at 6:31 PM by Marcia Weber.

*Minutes taken by Chelsea Robertson, Planning Consultant.*

DRAFT