

M E M O R A N D U M

TO: Ralph Huddleston, Chairman & Planning Board
FROM: Dennis G. Lindsay, PE, Town Engineer &
Sean T. Hoffman, PE, Planning Board Consultant
SUBJECT: Orange County Turf/Glebocki
Site Plan, Special Permit and Lot Merger
File No. 21-1-83 & 84; Memo No.83-12-007

DATE: March 9, 2012

CC: Neal Halloran, Building Inspector, Broderick Knoell, Highway Superintendent, Richard Golden, Esq., Ed Garling, AICP, Ryan McGuire (for applicant)

The following are our comments on an application for site plan, special permit and lot merger for a composting facility with wholesale operations on a combined 23.9-acres (total holdings) along Pulaski Highway (County Route 6) adjacent to Pumpkin Swamp Road (County Route 25) within the Agricultural-Industrial (AI) zone, the Flood Plain and Ponding Area Overlay (FP) and AQ-3 Overlay Districts.

Background/General – This matter was last before the Planning Board during your November 17, 2011 meeting. At that time, the applicant provided an initial presentation and you considered the environmental impacts (noise, dust, odor, traffic, etc.) associated with the proposed composting and stump grinding operations. In response to your concerns regarding stump grinding, a Supplemental Environmental Assessment Form was requested. You typed the action as unlisted and declared your intent to be lead agency. The application was reviewed during the March 1, 2012 staff meeting at which time the applicant confirmed the elimination of stump grinding from the proposal and requested placement on this evening’s agenda to schedule a public hearing and for you to assume lead agency status.

A) Materials Reviewed:

1. Correspondence by Pietrzak & Pfau Engineering and Surveying, PLLC dated February 8, 2012 responding to previous technical comments and requesting placement on your agenda;
2. Plans by Pietrzak & Pfau Engineering and Surveying, PLLC as follows:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Revised</u>
1 of 3	Site Plan	01/20/2012
2 of 3	Existing Conditions	08/31/2011
3 of 3	Detail Sheet	08/31/2011

3. Project Narrative prepared by Pietrzak & Pfau Engineering and Surveying, PLLC, last revised January 2012.

B) Review of Submitted Materials:

1. Zoning –

- a) Use – Applicant proposes a facility to compost and wholesale up to 10,000 cubic yards (CY) per year of material (hay, straw, yard waste, fruit and vegetable waste, wood chips, weeds and other vegetal matter). The Code §97-13B(8) allows composting in this zone subject to only site plan review (§97-75) if no more than 30% of the material to be composted is originated onsite. If greater than 30% of the material to be composted is from off-site sources, the application also requires a special permit per §97-13C(8). This applicant has confirmed, in the revised project narrative, their intention for onsite wholesale operations (no retail).
- b) Zoning Compliance Issues – Composting facilities must comply with the requirements of §97-58 including limitations on leachate infiltration, odor controls and separation distances from residences. To comply with the leachate requirements, the applicant proposes an impermeable barrier (geotextile) to facilitate leachate collection as described in the project narrative. In addition, we recommend your action include a requirement for offsite hauling and disposal of any leachate collected in the proposed lagoon when the lagoon reaches a predetermined maximum storage volume (see below).
- c) Environmental Performance Standards – The Code (§97-50) includes performance standards for noise, dust, odor, traffic, etc. to limit potentially objectionable environmental aspects. These issues were discussed during your November 14, 2011 meeting and the applicant indicated the remote location and size of the composting operations (1 acre) relative to the total site (23.9 acres) should eliminate any potential impact to adjacent properties. We believe this is generally true if reasonable safeguards and operating procedures are followed.

During your November 17, 2011 meeting the Board expressed concerns regarding stump grinding, bags and waste sludge. The applicant has eliminated stump grinding from the development proposal; you may wish to include in your action confirmation of the prohibition on stump grinding and non-biodegradable bags. Waste sludge is to be routinely (monthly) collected and disposed offsite. We suggest any condition regarding waste sludge collection include a provision whereby the Building Inspector may, at his discretion, increase the time between sludge collection not less than one collection per year.

- d) Floodplain Overlay - The purpose the Flood Plain and Ponding Area Overlay (FP) district defined as in your Code is to protect human life, prevent material losses and reduce the cost to the public of rescue and relief efforts caused by the unwise occupancy of areas subject to floods and ponding (§97-25). The FP district is defined by the National Flood Insurance Mapping Program Flood Insurance Rate Maps as "A" ("Special Flood Hazard Areas") Zones for the one-hundred-year floodplain. In accordance with our previous request, the application has performed a field survey to evaluate the floodplain boundaries and has located all proposed development out of the designed floodplain.

The Code [§97.25.C] requires an applicant to produce evidence that a means of vehicular access to the premises from an existing street is safe from flooding. The survey of the floodplain, recently prepared by the applicant, excluded the access road. We recommend the applicant provide elevations along the road to demonstrate the required means of access.

- e) Special Permit – In order to ensure the compatibility of uses with surrounding properties, the Town Code permits certain uses only upon the issuance of a special permit by the Planning Board. Prior to granting or denying a major project¹ special permit, you are required to make specific findings in accordance with the Town Code [§97-73]. (Informational; Code attached for ready reference).

- 2. Site Plan - Your Code (§97-75C) allows the Planning Board to waive or allow deferred submission of some site plan requirements as you deem appropriate. In this instance, the applicant has specifically requested waivers (see correspondence prepared by Pietrzak & Pfau dated September 29, 2011) from the requirements for lighting, landscaping and architectural elevations. This should be discussed with the applicant to confirm the extent of any waivers you wish to grant however, we believe, these waivers are generally reasonable given the limited nature of onsite improvements proposed.

- a) Site Layout –

- 1. Access - The site is located along Pulaski Highway (County Route 6) adjacent to Pumpkin Swamp Road (County Route 25). Access is provided through a series of easements over three (3) adjacent lots, all listed as owned by Yurchuk. The applicant advised the deeds regarding site access have been submitted and a title search is ongoing. The survey includes the limits of the dirt access road. We suggest the installation of a stone area near the entrance of the County Highway (similar to a stabilized construction entrance) except a smaller size stone to reduce the potential for sediment tracking onto County and Town roads.

The portion of the existing dirt drive adjacent to the proposed composting operations should be relocated to avoid the earth berm.

The applicant has received written comments from the Orange County Department of Public Works regarding upgrades to the existing driveway entrance. We note the existing driveway entrance is not on the applicant's property and suggest discussing the feasibility of these upgrades during your meeting.

- 2. Parking – For unlisted uses, such as the proposed, the Code (§97-48A(3)) indicates parking should be appropriate for the circumstances. The applicant will require up to three (3) parking stalls for the employees and notes the site is sufficient in size to provide additional parking stalls if the need arises.

¹ Since the construction of the facility will alter 10,000 square feet of land the proposed is a major project.

3. Office – The plan shows a small (20’ x 15’ by scale) accessory structure which we understand from the narrative will be used as an office/storage building. This is identified as future but the applicant may wish to seek approval at this time. We note the applicant has indicated in the narrative this structure may be a trailer which we believe is prohibited.

b) Utilities –

1. Water – The applicant intends to utilize the existing well on the westerly side of the property. Information regarding quantity and quality should be provided. Unless there is adequate available information (recent well tests), we recommend performing well testing to demonstrate satisfactory quantity and quality for the proposed use.

The site is within the AQ3 Overlay Zone. Your Code (97-43.B; 97-27C & D) requires non-residential uses be evaluated on a case-by-case basis for impact on groundwater supply and quality. The applicant should submit information on their water needs. This information should be provided by the applicant based on usage at a similar facility or from industry standards. They have advised well water may be utilized to supplement lagoon supernatant for composting if needed.

Any special fire protection needs or provisions should be noted. Adequate access for Fire Department should be considered in the layout and reviewed by Emergency Services to confirm acceptability.

2. Sanitary – The applicant proposes an onsite sewage disposal system and has provided deep and percolation test results. The applicant should provide the individual runs so the stabilized percolation rate may be verified. We recommend your action include witnessed testing prior to obtaining a building permit for the proposed office pursuant to your typical practice.

The absorption field is proposed in a location adjacent to the parking area and we recommend the installation of a small fence or other means to keep vehicles and equipment away from the absorption field.

The plan lists six (6) trenches at 128. We believe this is a typographical error which should be revised to six (6) trenches at 28’.

3. Stormwater – The proposed area of disturbance is difficult to determine but appears below the one (1) acre threshold for coverage under the NYSDEC SPDES General Permit for Construction Activities which requires the preparation of a stormwater pollution prevention plan (SWPPP). Applicant to confirm.

The applicant has relocated stormwater facilities to a location downstream of the improvements. (informational)

The plans include a leachate evaporation lagoon within the composting area to collect and centralize leachate for recycle in connection with the composting process. Excess leachate will be collected and disposed off site. During the March 1, 2012 staff meeting, we reviewed with the applicant modifications necessary to the proposed grading to ensure positive drainage and a sufficiently deep gravel working layer. In addition, the applicant should provide calculations demonstrating the proposed lagoon volume is adequate to store leachate and indicate the maximum storage volume.

4. Lighting & Landscaping – We understand no new lighting or landscaping is proposed and the applicant has requested a waiver from the Code requirements for this information. The drawing notes indicate the site is to operate between 6 AM to 6 PM which will include operations after dark; adequate safety lighting should be provided.

c) Miscellaneous –

- Signs – The plan includes information on the proposed sign. We recommend you discuss the sign with the Building Inspector to determine if it is considered an off-premises commercial sign which is prohibited under your Code (§97-49C).
- Easements and covenants to be shown.
- Drawing Notes – We recommend the following:
 - ❖ Note 1 should list the floodplain and ponding overlay district;
 - ❖ Note 3 should eliminate the reference to accessory use;
 - ❖ Note 4 should include the access easements through tax lots 21-1-85, 86 & 88.2 (if applicable);
 - ❖ Note 13 indicates no meat or dairy products are to be composted at this facility. We recommend this be a condition of your action.
- Composting Area – A note on the plan indicates composting will occur within a 200' x 200' area and the applicant has shown four (4) 10-16 foot wide windrows. During discussions with the applicant at the staff meeting, it was determined that the intent is to provide composting within the 200' x 200' area in a orientation to be determined by the operator based on variable field conditions including wind direction. As such, we recommend eliminating the four windrows shown and delineating (with lines or hatch patterns) the area to be utilized for composting.

C) Referrals Required

1. Orange County - 239 referrals
2. Emergency Services
3. Environmental Review Board

97-73 Required Findings for Special Permits

In granting or denying special permits, the Planning Board shall take into consideration the scale of the proposed project, the possible impact of the proposed project on the functioning of nearby farm operations, and, in rural areas, the tradition of freedom of land use where such use does not interfere with or diminish the value of adjoining property. The Planning Board shall also take account of any proposed conservation easements, architectural restrictions, or other measures that would tend to mitigate potential adverse impacts and preserve or enhance the scenic and historic character of the Town. No special permit shall be granted for any property on which there exists a violation of this chapter, including a violation of any condition of a previous municipal approval, unless the Planning Board finds that the applicant has no legal right or ability to remedy the violation or that the grant of a special permit is necessary to remedy a condition that poses a risk to public health or safety.

A. Minor projects. A minor project shall be presumed to be acceptable if it complies with applicable health laws and other specific provisions of this chapter. In order to grant a minor project special permit, the Planning Board must determine that none of the criteria for major projects listed in Subsection **B** below will be violated. The Planning Board shall deny a minor project special permit if it determines that one or more of these criteria will be violated.

B. Major project criteria. Before granting or denying a major project special permit, the Planning Board shall make specific written findings establishing whether or not the proposed major project:

(1) Will comply with all land use district, overlay district, and other specific requirements of this chapter and other local laws and regulations and will be consistent with the purposes of this chapter and of the land use district in which it is located.

(2) Will not result in excessive off-premises noise, dust, odors, solid waste, or glare or create any public or private nuisances.

(3) Will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.

(4) Will be accessible to fire, police, and other emergency vehicles.

(5) Will not overload any public water, drainage, or sewer system, or any other municipal facility.

(6) Will not materially degrade any watercourse or other natural resource or ecosystem or degrade the water quality or quantity of an aquifer.

(7) Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.

(8) Will be subject to such conditions on operation, design and layout of structures, and provision of buffer areas as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town.

(9) Will be consistent with the goal of avoiding strip commercial development and buffering nonresidential uses that are incompatible with residential use.

(10) Will not adversely affect the availability of affordable housing in the Town.

(11) Will comply with applicable site plan criteria in § [97-75D](#).

(12) If the property is in a residential district, will have no greater overall off-site impact than would full development of the property with uses permitted by right, considering relevant environmental, social, and economic impacts