

Town of Campbell Planning Board
Minutes for Meeting of
January 18, 2017 held at the Campbell Town Hall
8529 Main Street, Campbell, New York

PRESENT: Board Members: Chairman Terry Brethen, Spencer Carter, Denice Thompson, Linda K. Baird and Planning Board Secretary: Sandra M. Austin.

ABSENT: Jeffrey Allen.

GUESTS: James Coots, Christopher Denton, Esq., JoAnne Pruden, David Pruden, Leonard Cotter, Willis Osborn, Dolores Calhoun, Jeff Horton and Patty Horton.

Call to Order/ Prior Minutes.

The meeting was called to order at 6 p.m. by Chairman Brethen. The Board noted the prior minutes of November 16, 2016. A motion was made by Linda Baird and seconded by Spencer Carter to accept the said minutes as presented. The motion passed unanimously.

JMC Rentals LLC.

Before the Board was the Re-Zoning Request of JMC Rentals, LLC to change current zoning designation of R-2 [Suburban Residential] to B-2 [Highway Business] on tax map parcel #243.09-01-002.00 which consists of approximately 20 acres between Route 333 and NYS Route 415—said request having been referred to the Planning Board by the Town Board on December 12, 2016; and SEQR review.

The points of discussion were as follows:

1. JMC Rentals LLC has submitted a proposal to re-zone the approximately 20-acre parcel which is known as tax Map #243.09-01-002.000 which is located between NYS Route 415 and County Route 333 in the Town of Campbell, New York (the "Town") said re-zoning project (hereinafter, called the "Project").
2. The Project is subject to the Town's Zoning Law known as Town of Campbell Local Law #3 of 2014 and amended by Local Law # 1 of 2015, under which the Project is a re-zoning application required to be referred to the Planning Board for a recommendation accompanied by a full statement of the reasons for such, which the Planning Board shall be forwarded to the Town Board. The Town would follow the procedure set by its zoning law.

3. The procedure requires a public hearing to be held by the Planning Board.
4. Approval of the Project would require a second public hearing conducted by the Town Board and adoption of a Local Law by the Town Board.
5. The involved agencies for this Project would be the Town Board and the Planning Board.
6. Based upon the information presently available to the Town Planning Board, the Planning Board has made a preliminary determination that the proposed Project is an unlisted action by reason of application of the criteria set forth in 6 NYCRR § 617.4.
7. The Project qualifies as an Unlisted "Action" under the New York State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law ("ECL") and its implementing regulations, 6 NYCRR Part 617. Under the Town's Zoning Law, and because of the nature of the proposal, it does not meet any of the thresholds that make it a Type I Action. The project is under 25 acres of land and is for re-zoning only. The proposal does not indicate any future plan for the 20-acre piece. It can only be said that any of the multiple uses listed in the Zoning Law under the B2- Highway Business could be involved in the future development of the site.
8. The re-zoning request is for the 20 acres to be re-zoned from an R-2 Suburban Residential to a B-2 Highway Business Zone.
9. Any future development of the site would require site plan or subdivision approval and would be an action requiring Planning Board approval and would require an additional environmental review at that time.
10. It has been the policy of the Planning Board to do a SEQR review of every application before the Board.
11. This particular re-zoning would be an annexation from the B-2 Highway Business zone across the road and is not considered spot zoning.
12. The Planning Board is the most directly involved agency able to ensure overall coordination and oversight of the Action and future development of the site.

13. The Planning Board, therefore, intends to serve as Lead Agency for the SEQRA review of this Action in accordance with the provisions of 6 NYCRR Part 617 and Article 8 of the ECL, and, in this capacity, will determine if the proposed Action may have a significant effect on the environment.

14. The Town Planning Board will undertake coordinated review of this Action and transmit the required environmental information to the other involved and interested agency at the appropriate time.

Following discussion of the above items, the Board considered a resolution.

**TITLE: A RESOLUTION DECLARING THE TOWN OF CAMPBELL
PLANNING BOARD'S INTENT TO BE LEAD AGENCY FOR THE RE-
ZONING REQUEST OF JMC RENTALS LLC**

OFFERED BY: Spencer Carter, who moved its adoption.

SECONDED BY: Denice Thompson,

WHEREAS, JMC Rentals LLC has submitted a proposal to re-zone the approximately 20-acre parcel which is known as tax Map #243.09-01-002.000 which is located between NYS Route 415 and County Route 333 in the Town of Campbell, New York (the "Town") said re-zoning project (hereinafter, called the "Project"); and

WHEREAS, the Project is subject to the Town's Zoning Law known as Town of Campbell Local Law #3 of 2014 and amended by Local Law # 1 of 2015, under which the Project is a re-zoning application required to be referred to the Planning Board for a recommendation accompanied by a full statement of the reasons for such, which the Planning Board shall be forwarded to the Town Board. The Town would follow the procedure set by its zoning law; and

WHEREAS, the procedure requires a public hearing to be held by the Planning Board;

WHEREAS, approval of the Project would require a second public hearing conducted by the Town Board and adoption of a Local Law by the Town Board; and

WHEREAS, the involved agencies for this Project would be the Town Board and the Planning Board; and

WHEREAS, based upon the information presently available to the Town Planning Board, the Planning Board has made a preliminary determination that the proposed Project is an unlisted action by reason of application of the criteria set forth in 6 NYCRR § 617.4; and

WHEREAS, the Project qualifies as an Unlisted “Action” under the New York State Environmental Quality Review Act (“SEQRA”), Article 8 of the Environmental Conservation Law (“ECL”) and its implementing regulations, 6 NYCRR Part 617. Under the Town’s Zoning Law, and because of the nature of the proposal, it does not meet any of the thresholds that make it a Type I Action. The project is under 25 acres of land and is for re-zoning only. The proposal does not indicate any future plan for the 20-acre piece. It can only be said that any of the multiple uses listed in the Zoning Law under the B2- Highway Business could be involved in the future development of the site; and

WHEREAS, the re-zoning request is for the 20 acres to be re-zoned from an R-2 Suburban Residential to a B-2 Highway Business Zone; and

WHEREAS, any future development of the site would require site plan or subdivision approval and would be an action requiring Planning Board approval and would require an additional environmental review at that time; and

WHEREAS, it has been the policy of the Planning Board to do a SEQRA review of every application before the Board; and

WHEREAS, this particular re-zoning would be an annexation from the B-2 Highway Business zone across the road and is not considered spot zoning; and

WHEREAS, the Planning Board is the most directly involved agency able to ensure overall coordination and oversight of the Action and future development of the site; and

WHEREAS, the Planning Board, therefore, intends to serve as Lead Agency for the SEQRA review of this Action in accordance with the provisions of 6 NYCRR Part 617 and Article 8 of the ECL, and, in this capacity, will determine if the proposed Action may have a significant effect on the environment; and

WHEREAS, the Town Planning Board will undertake coordinated review of this Action and transmit the required environmental information to the other involved and interested agency at the appropriate time;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Town Planning Board hereby declares its intention to serve as Lead Agency for the SEQRA coordinated review of this Unlisted Action; and

BE IT FURTHER RESOLVED, that the Town Planning Board directs the Chairman of the Town of Campbell Planning Board to issue appropriate correspondence to the Town Board declaring the intent of the Planning Board to serve as Lead Agency for this Action; and

BE IT FURTHER RESOLVED that a public hearing in connection with this re-zoning Project and SEQR review be held on February 15, 2017, at 6:00 p.m. at the Town Hall, 8529 Main Street, Campbell, New York; and that the Planning Board Secretary is directed to have the required legal notice to be published and to provide such notice for timely publication in the official newspaper and on the Town's web site; and that a copy of such legal notice be posted upon the Town's bulletin board as required by law.

The Resolution passed with the following vote: 4 affirmative votes.

JMC Rentals LLC---239-m Referral.

With regard to the 239-m referral for the JMC Rentals LLC re-zoning, there were points of discussion as follows:

1. JMC RENTALS LLC re-zoning project to re-zone a 20-acre parcel is located between NYS Route 415 and County Route 333, therefore located within 500 feet of a County Road and a State Highway.
2. The application should therefore be referred to the Steuben County Planning Department with a 239-m Notice;
3. The Planning Board Secretary should send the 23m-m referral notice in accordance with Section 239-m of the General Municipal Law for a review of the proposed zoning action to the Steuben County Planning Department.

TITLE: **A RESOLUTION FOR 239-m REFERRAL OF THE PROPOSED ZONING ACTION OF JMC RENTALS LLC**

RESOLUTION introduced by Planning Board Member Spencer Carter, who moved its adoption, and seconded by Planning Board Member Denice Thompson, to wit:

WHEREAS, the JMC RENTALS LLC re-zoning project to re-zone a 20-acre parcel is located between NYS Route 415 and County Route 333, therefore located within 500 feet of a County Road and a State Highway; and

WHEREAS, the said application should therefore be referred to the Steuben County Planning Department with a 239-m Notice;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: that the Planning Board Secretary is hereby directed send the 23m-m referral notice in accordance with Section 239-m of the General Municipal Law for a review of the proposed zoning action to the Steuben County Planning Department.

Following discussion the foregoing resolution was called to a vote which resulted as follows: AYES-4; NAYS-0.

Hakes C & D Disposal Inc.

Regarding the Hakes C & D Disposal Inc. proposal, it was noted that we had received a letter from the Town Board which advises basically as follows:

Hakes C&D Disposal, Inc. is proposing a lateral expansion of the Hakes Construction & Demolition Debris Landfill, which is located in the Town of Campbell, New York at 4376 Manning Ridge Road. The project is going to involve setting up a planned non-residential district which in effect is a re-zoning. Along with that they will have to submit a site plan which will go along with that re-zoning.

On January 9, 2017, the Town Board adopted a resolution stating its intent to serve as Lead Agency for the environmental review of the Project under SEQRA. The proposed action has been identified by the Town Board as a "Type I Action" under SEQRA regulations. They have now notified us of their intent to serve as the Lead Agency for this Project under ("SEQRA").

It was noted that we have a copy of the EAF--- Part 1 of the full environmental assessment form ("EAF") for the Project which the Board reviewed.

The Project is located within the Town and is subject to approvals from the Town Board, making the Town Board the most directly involved agency able to ensure overall coordination, implementation and oversight of the proposed action. They have also hired an environmental engineer by the name of Hans Arnold, and an environmental attorney by the name of Ronald Hull, Esq. to deal with the complications involved. They are far better equipped to serve as lead agency.

The Planning Board is an "involved agency" within the meaning of SEQRA, and the Town Board wishes to undertake coordinated review of this Project.

The Town Board has requested that we consent with to having them serve as Lead Agency for the proposed Project.

It is noted that we have 30 days to consent or file objections and that if we do not respond within the 30-day time period, it is assumed that we agree with the Town Board's proposal to serve as Lead Agency for this Project.

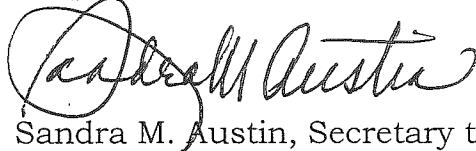
Hakes C & D --Consent To Sign Off Lead Agency.

A motion was made by Denice Thompson and seconded by Linda Baird to consent to the Town Board being lead agency in connection with the Hakes C & D Landfill Expansion project and to authorize the chairman to sign the consent form. The motion passed unanimously.

Adjournment.

There being no further business before the Board, the meeting was upon motion, adjourned at 6:24 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sandra M. Austin".

Sandra M. Austin, Secretary to
Town of Campbell Planning Board

Dated: January 25, 2017.