

Town of Highland  
Planning Board Minutes  
June 6, 2018

Chairman Berry Hafkin calls the meeting to order.

Pledge to the Flag

Chairman states the minutes are being recorded.

Attendance:               Berry Hafkin-Chairman  
                                  Norm Sutherland  
                                  Jeffrey Spitz  
                                  Philip Johnson  
                                  Julie Sherwood  
Board Secretary:       Monica McGill  
Town Attorney:         Michael Davidoff (absent)

Chairman introduces Doreen Sweeney as the new alternate member for the Planning Board.

Motion to approve the May 2, 2018 minutes:

Motion:           Philip Johnson                Second:           Norm Sutherland  
All in favor.

Application #7-2018 Sunshine Hall Free Library

Shain Fishman-Member of the Board of Directors for the Library

We are looking to put up a deck on the side of the library to open up for the community. It would have Wi-Fi and table and chairs. Where you cannot eat in the library, the deck would allow patrons to sit and eat or have a cup of coffee. Our plan is to construct a deck that is twenty feet wide and thirty-eight feet long. We received our variance from the ZBA on Monday June 4, 2018. We now present this to the planning board for approval.

Norm Sutherland: Are the piers next to the brook?

Shain Fishman: We received clearance from the DEC.

Berry Hafkin: I thought the DEC would be present this evening, but they are not. They say that the flood plan would have to be no more than twenty-six feet from the building.

Shain Fishman: The piers will only be going out twenty feet from the building, therefore they will not be in the flood plain.

Berry Hafkin: The ZBA met on Monday June 4, 2018, and they granted the variance.

Shain Fishman: Yes, they did, and I brought copies of the approvals.

Berry Hafkin: The ZBA approved a twenty-foot variance, instead of the required fifty feet?

Shain Fishman: There were two variances, one for the property line and one for the brook.

Berry Hafkin: Are there any other questions?

Motion to approve Application #7-2018 Sunshine Hall Free Library

Motion:           Norm Sutherland                Second:           Philip Johnson

All in favor

Motion to make the Highland Planning Board the lead agency for SEQUA

Motion: Julie Sherwood Second: Philip Johnson

All in favor

SEQUA read by Philip Johnson and completed by the board.

Motion for a negative declaration of SEQUA

Motion: Philip Johnson Second: Norm Sutherland

All in favor

Application #17-10 Eldred Preserve

Berry Hafkin: The Eldred Preserve has been approved, and they are here tonight to present changes.

My name is Jim Bacon and I represent Mr. and Mrs. Dan Silna owners of the Eldred Preserve. We also have Christina Zolezi from the engineering firm to present the changes. Essentially as construction began there were some big trees and some topography we would like to conform to better. It is really minor shifting of some of the buildings as to keep some of the trees.

Christina Zolezi:

There is a slight change to the restaurant configuration.

The cabins have been slightly shifted

The Fitness Center was shifted down as to have a better view.

We did some septic testing, and based on what we found we will be going with Package Waste Water Treatment Plant. We have applied to the DEC and began the process. We will be Modifying the existing system, and as we receive approvals we will send them to the town.

The Storm Water Pollution has been updated due to these changes.

Ken Ellsworth of Keystone Associates representing the Town of Highland Planning Board.

Our office has received the changes and we did not find anything significant. We are waiting on the final utility plan to review, once it has gone through the Health Department and the DEC. We have an inspector that goes to the site, and the Eldred Preserve is complying with the plan. We also have a gentleman working with the towns code enforcement officer.

Philip Johnson: There are no footprint changes to the buildings?

Ken Ellsworth: No, just shifting them. There is a change where they are doing the water treatment. The building that they currently have is outdated, so they will be doing a new water treatment from inside the facility.

Berry Hafkin: This is not significant enough to require a public hearing?

Ken Ellsworth: No.

Norm Sutherland: You are deleting the underground storm water chamber, are you going to increase the retention pond?

Christina Zolezi: No, the underground storm water chamber is provided for quality treatment. We did an analysis and found we do not have to detain anything on site. We are at the bottom of the basin. The new system will provide the same capacity as the old one.

Motion to amend Application #17-10

Motion: Philip Johnson Second: Norm Sutherland

All in favor

## Application #1-2018 Eastern System Upgrades/Millennium Pipeline

Motion to reopen the recessed public hearing for Millennium Pipeline

Motion: Philip Johnson Second: Julie Sherwood

All in favor

Mr. Palumbo of C.T. Male Associates representing Millennium Pipeline presents a report to the board that shows answers to all the questions brought up in the previous meetings. This report will be incorporated into the June 6, 2018 minutes. Mr. Palumbo reads the report to the board and the public.

Questions and Concerns from the public and the board concerning the report:

Berry Hafkin: Have you submitted the information that the county requires for the Division of Planning?

Mr. Palumbo: No, I am communicating with Freda at the county to get an idea of exactly what they are looking for.

Berry Hafkin: Are the lights downward facing?

Mr. Palumbo: Yes.

Berry Hafkin: Will the county and town get a copy of the Emergency Response Plan?

Mr. Palumbo: My understanding is that all procedures are in place.

George Ballard: Were there rattlesnakes on site?

Mr. Palumbo: No, not on the site, but they are present in the area. Exclusion fencing was put up on the site.

Berry Hafkin: Is the exclusion fencing coming down after construction?

Mr. Palumbo: I will find that information out for you.

Philip Johnson: Does the site have an address number?

Mr. Palumbo: Yes, the site now has a number.

Philip Johnson: Has the height of the buildings been resolved by the county?

Mr. Palumbo: We are still in communication with them on that concern.

Berry Hafkin: Is it done?

Mr. Palumbo: No, we are trying to set up a meeting with Freda at the county and trying to get them to visit the site as well.

Mr. Palumbo: At this time, I would like to go over the other county items. The drive way entrance is wide open. Upon completion it will be twenty feet wide. We also came up with a planting plan at the entrance. The majority of the existing trees will stay and we will plant species that will attract butterflies. We officially submitted the plan to Steve LeFevre and the county for review.

Steve LeFevre: We were presented with this report at the meeting tonight. Not a lot of time to look over. Some of the responses show that you prepared plans. I think that the Planning Board should be presented with copies of these plans. For example, a copy of the noise test that was done. I drove by the site this evening and there are still no signs, no fencing and no gates, at least that is visible from the road.

Norm Sutherland: I don't have a problem with Millennium, I have a problem with the county giving local construction companies trouble obtaining proper signage and not giving Millennium the same standards to uphold.

Mr. Palumbo: You do not have to wait for us to come back to the meeting, you can take action directly with the county.

Berry Hafkin: Steve can you provide us with a list of plans that would need to supply the board with.

Steve LeFevre: Yes

Mr. Palumbo: There is a line between site plan items and environmental items. We will get the report, but at some point, Millennium has done what is legally obligated. For example, SWIFF, if it was done on any other project, it would go to the DEC on an MS-4. We sent it to the DEC and it was approved. Are we being held at a different standard?

Berry Hafkin: We can't close you down, but you need to finish with the county and supply that to us.

Jeffrey Spitz: I seem to remember that at the last meeting we were to get the information out of a huge binder. You were going to point to the exurbs that supply information on the issues here, instead of reading the entire binder. You have not provided that information to us yet.

Mr. Palumbo: We will provide you with it before the next meeting.

Berry Hafkin: We are not going to questions the plans but would still like to see what they are.

Steve LeFevre: We also discussed at the last meeting that C.T. Male Associates would provide the same level of information required for a site plan review.

Mr. Palumbo: We submitted the plans.

Steve LeFevre: Did they have all the information required?

Mr. Palumbo: I will double check that.

George Ballard: Eldred NY

I feel that many of the answers are incomplete. I feel the town should be provided the information of exactly what is in the storage tanks. Some of these tanks hold highly volatile chemicals and they can easily provide us with copies of the analysis that comes from the Minisink tanks. Just for the record the health report is based on modeling. Computer modeling designed to allow them to obtain their permits. I think the town should deny the permits to protect us from any future liability.

Berry Hafkin: I don't see how turning them down would benefit the town, it is going to progress anyway.

George Ballard: It goes against our town laws.

Nancy Esposito: Barryville NY

I think that George has a good point about the town liability. Have we talked to our insurance company about how they might feel about the position we are in?

Berry Hafkin: I think you would have to bring that up with the Town Board. I will discuss it with the Town Attorney.

Nancy Esposito: I mean if we say NO, are we in a better position liability wise?

Berry Hafkin: I do not have an answer but will look into it.

Nancy Esposito: Are our people, fire department, emergency, and police department going to access the road or driveway?

Berry Hafkin: From my understanding Millennium has their own emergency response team. The towns emergency responders would be for creating a perimeter. No one in the town would have the expertise to handle whatever was going on there.

Nancy Esposito: I am thinking in terms of the driveway being salted and sanded. You stated earlier that it would be as needed, so as long as our people don't have to respond, go ahead.

Mr. Palumbo: The road will be maintained and cleared for the daily employees.

Jim Bacon: Eldred Preserve

Is the compressor a Solar Titan 130E?

Mr. Palumbo: I don't know.

Jim Bacon: What type of lowdown would not be covered? Is there a frequency evaluated experienced on you other compressors? I understand that you have some air quality monitoring and some prevention systems in place, but what is not be covered?

Mr. Palumbo: I am not sure what you are asking. Millennium has implemented the latest technologies to reduce the risk with different booster pump designs.

When we talked about the Code Red standards, there was a half mile radius applied and that there was no need for the Code Red System.

Jim Bacon: In the future if there are homes built in that half mile radius, will the Code Red be put back into effect to warn the residents?

Mr. Palumbo: I don't know, I will have to ask Millennium.

Dan Silna: Eldred Preserve

I agree whole heartedly that there is no legal obligation to give any information to this board. However, I believe it would behoove Millennium Pipeline as far as a public relations point of view to give any or all information to this board so that the citizens of this town see that you are looking to give them as much transparency as to what's going to go up there. I would urge Millennium to do so.

Mr. Palumbo: The information is public through the FERC and DEC websites. We are not hiding anything. How much debate are we going to get into over these plans that have been approved by regulating agencies, and how far will it go? We can spin wheels that have been spun and still not make everyone one hundred percent happy.

Joan Silna: Eldred Preserve

When looking at the plans it shows that you are putting up fencing.

Mr. Palumbo: Let me point out that the fencing is way up at the top around the compressor station. There will only be a gate by the road for security purposes.

Joan Silna: I suggest plant as many trees as you can to make it look pretty.

Mr. Palumbo: We will be planting plants that are in the five and ten-year growth period.

Berry Hafkin: If there are no more questions or concerns I would like a motion to recess the public hearing for Application 1-2018.

Motion: Jeffrey Spitz Second: Philip Johnson  
All in favor

Berry Hafkin: The next meeting for the Planning Board falls on July 4, 2018. We are going to try and meet the following Wednesday July 11, 2018. The secretary will verify this with the Town Clerk.

Mr. Palumbo: Please email me about any of these issues discussed and if things like the signs has not been resolved. I keep reporting to Millennium, and it is distressing to me when I get here and find it has not been resolved.

Steve LeFevre: For the record, based on my past experience I am surprised that a Millennium representative has not come to any of the meetings to date.

Motion to close the meeting

Motion: Jeffrey Spitz Second: Philip Johnson  
All in favor.