

**VILLAGE OF FREEVILLE PLANNING BOARD MEETING
JUNE 18, 2019 PUBIC HEARING**

A Public Hearing for a Site Plan application submitted by Danila Apasov for property located at Factory Street, in the Village of Freeville was held on June 18, 2019, at the Village Hall, 5 Factory Street.

Present: Chairman, James Krebs, Member Brian Buttner, Member Thomas Cavataio, Member Justin DiMatteo, Member Stephanie Ortolano. Also present was Karen Snyder, Deputy Clerk; CEO, Rick Fritz; applicant Danila Apasov; Mayor, David Fogel; Village residents, Michele Blackmore, Amy Crockford, Ruth Qunette, Ryan Maher and Will Olson.

Chairman James Krebs called the Public Hearing to order at 7:00 pm.

Chairman James Krebs stated at the Sketch Plan Conference held May 21, 2019 Board Members prepared a list of items for Danila Apasov to submit for his project on Factory Street. Such items were:

1. Stormwater plans.
2. Architectural approved site plan drawings, drawn to scale but not necessarily stamped at this time.
3. Types of vegetation to be used for a buffer and water runoff, once Chairman Krebs speaks to the County regarding the stream vs. a ditch.
4. Energy plans regarding the County's recommendation regarding the 4 energy elements for new construction.

Chairman Krebs questioned Mr. Apasov he was prepared to supply those items? Mr. Apasov reported to the Board his drawings are still being worked on. His meeting with Tompkins County Planning Development and Sustainability and Tatum Engineering will be on June 20, 2019 for his energy plans. The ditch identified by Tompkins County Planning Development and Sustainability is definitely been identified as a stream. And lastly the planting of vegetation that has been suggested are elderberry plants, ground cover, black cherry, and oak or cottonwood trees.

Chairman Krebs requested Mr. Apasov recapped his proposed project for those in attendance.

Mr. Apasov is proposing the construction of a new facility for his business for storage, shipping, offices and light assembly, on the former glass-manufacturing site off of Factory Street. The new building would be approximately 6,000 sq. ft.; wood framed and will include 2 loading docks, parking lot with parking spaces. Because the property is not level at this time the square footage of the building could be decreased due to soil, wetlands and other factors as indicated by an excavator. The facility will be of light assembly. Items are manufactured elsewhere and will be delivered to his facility for correlation, packing and shipment. Shipment out of the facility could be 3 pallets a week and shipments coming in could be once a week. Truck traffic should be low. Mr. Apasov would provide a copy of the truck traffic log if required.

Facility hours will be Monday – Friday, 8:30 am – 4:30 pm. He currently employees 5 full time and 1 part-time individual, adding 1 to 2 more employees in the future.

His operation initially started on Railroad Street and in 2013 moved to Union Street. His operation has expanded to the point where a new facility is needed. Currently there is limited space for storage, in turn means limited product. With a new facility with adequate storage one can store more and provide more products. Mr. Apasov also indicated to the Board that he is negotiating with Kathleen Perkins to purchase an additional piece of property that she owns next to the property he has already purchased.

Chairman Krebs read into the minute's clarification from the Tompkins County Department of Planning and Sustainability regarding questions Mr. Krebs and the Board members had on the buffer of 50' and the clarification of a "ditch" vs. a "stream". (Scott Doyle from TCDPS responses are in **red**)

Scott,

Katherine Borgella sent us a letter on May 17, 2019 in response to the site plan application. We held a sketch plan review on Tuesday, May 21. We had the following questions at the meeting.

- The second point asked us not to disturb the buffer within 50 feet from the stream centerline. There is a drainage ditch that runs through the property. Is this what was being referenced? Do the same rules apply to drainage ditch as applies to a stream? Is the concern about run-off into the stream?

--The drainage on the southern boundary of the property, which is referred, to as a "drainage ditch" on the site plan is what we are referring to. The ditch has certainly been manipulated over the years, though it still appears to effectively acting as a stream, which connects with the downstream wetlands. Our research indicates water quality benefits when buffering these intermittent waterways, which is why we made this recommendation.

-The parking lot will be within 50 feet of the drainage ditch. However, it will be a gravel parking lot, so run-off will not be a concern. Is this OK? The building will be greater than 50 feet away.

--We recommend no disturbance within this buffer area, including gravel parking.

-The drainage ditch will lie adjacent to the road. However, the Village will be building the road. The drainage ditch will serve the purpose of a ditch normally adjacent to a road. Is this OK?

--I'd defer to the Village on that question and field interpretation.

- Katherine mentioned a vegetative buffer. Does the county have any suggestions for a type of vegetation?

--We have a number of stream buffer resources included a recommended planting guides available at the following link <http://tompkinscountyny.gov/planning/water-resources-stream-buffers>.

- At the corner of the property, there is a pond that has been generated by recent beaver activity. For the purpose of filling out the SEQR application, is this considered a regulated wetland or water body?

--I think you are referring to the SW corner of the property as noted in the attached map. In this corner there is a small slice of a DEC Regulated Wetland (shown in green) – that is in fact a regulated wetland that should be noted in an EAF.

Chairman Krebs offered Michele Blackmore of 20 Union Street, privilege of the floor.

The Board reviewed an email presented by Ms. Blackmore on June 17 and 18, 2019. Several questions and concerns which most were addressed by Chairman Krebs and Danila Apasov, the applicant. The Village Board of Trustees and the Village Highway Superintendent will address Ms. Blackmore's other questions. (Those emails are incorporated in these minutes).

June 17, 2019 email (Chairman Krebs responses are identified in **red**)

Good morning Jim,

I was notified last week of the proposed plan for 18 Factory St. I just reviewed the plan at the Village Hall this morning. I live at 20 Union St., across from the Fire Hall, directly adjacent to Factory St. and the proposed site plan. I have a few questions before tomorrow's Planning Board meeting. I want to make sure I target my thoughts within the confines of the discussion.

What is the scope of tomorrow's meeting?

Tomorrow, the planning board will be voting on whether or not to allow the proposed business in this location and whether or not there will be restrictions.

Has the proposed building been "green lit," and the plan particulars will be discussed?

The developer was at the previous meeting for a sketch plan review where we requested additional information. Because the neighbors had not been notified, no vote was taken at this time. The county has also reviewed the proposal. They did not approve it. Their concern was run-off into a drainage ditch, which runs around the proposed parking lot. The county wants construction to be more than 50 feet from any waterways. Because the county did not approve it, the planning board would have to vote 4-1 (a super majority) if the planning board wishes to approve the project.

Or is the existence of the proposed building still up for discussion?

The existence of the proposed building is still up for discussion.

When the property was for sale, I understood it to be residential. Reviewing the proposed plan itself, the application identifies that the land is zoned residential. Reviewing the materials available on the village website, I interpret portions of that 4.5 acres as Conservation Combining. Has the land use been changed?

The land where the development is proposed is zoned residential. Light manufacturing activity is allowed in a residential zone, with a site plan review. The beaver pond cuts across a small corner of the plat. This is the opposite side of the plat from where the development is taking place. It is a large plat, so the beaver pond is far from the proposed building and parking lot.

I'll bring questions about the proposed placement of utilities, paving and extending/widening the road, sewer/drainage, traffic, lighting, etc., but wanted to understand if the land use has already been decided.

Thank you in advance and I look forward to learning more about this proposal.

Best,
Michele

June 18, 2019 email

“Hello planning board members,

My name is Michele Blackmore and I'm the property owner at 20 Union St.

Jim, I appreciate your answers to my questions. As I've had just about a day to think over the proposed plans, I've come up with several more.

This proposed building and site development would directly impact my property. I took off work and made the effort to see the plans on my own time. I have concerns that are both short and long term. This is an indelible change to the neighborhood and my peace of mind as a homeowner. I apologize if this is impassioned, but what is more personal than your home?

It was disappointing to hear the developer already addressed the planning board last month. There has been limited, if any effort to raise awareness in the village of this proposed site plan. In 2017, there were several public meetings regarding the proposed wind turbine on Union St. Last year, there was much discussion of new zoning to include designated Commercial zones. If I had known any residential property was exposed to potential industrial use, I would have voiced concern in 2018 to any proposed industrial construction adjacent to my property. New construction in a residential zone of an industrial building seems to warrant more attention, discussion, and thought, as it will have a lasting impact on the village. This places me as a property owner and opponent of the proposed construction in an already challenging position. I'm coming into this discussion midway and potentially as a single voice of dissent. I'm a layperson, who had limited access to the proposed plans and to learn about, understand, and develop questions. This makes entering this discussion all the more difficult.

I hope to learn more this evening. With that in mind, here are some of my questions:

June 18, 2019 Email

Hi Michele,

Thank you for your detailed email, and I apologize that more effort has not been made to keep you in the loop about this project. I wanted to introduce myself and share about our business and plans for the parcel behind your house.

My name is Danila Apasov, and we've actually been neighbors for the past few years. Our business is currently located at the old Honey-Butter factory at 7 Union St, just a couple of houses down the road. I also live in the village with my wife Lea and our two kids at 22 Main St - the old firehouse. Our business assembles and ships out home decor products, mostly soap dispensers, toothbrush holders, and a few other items. We don't do any manufacturing on site, and the various components are shipped to us from our suppliers, and we then assemble the different parts into kits. That's why our use is considered light assembly or light industrial. Our process does not use any chemicals, storage tanks, noisy machinery, or otherwise. We are open M-F from 8:30-4:30. I would actually encourage you to stop by our current shop to see how we do things - I would love to give you a tour anytime. (I'm here all day today if you can stop by, or we can arrange a time after work hours if that's better for you.)

Our business is growing, and we're running out of space at our current building. We hope to construct a new building, tucked back on Factory St., which we hope would have a minimal impact, and let us stay in the village.

To answer your questions about traffic - We keep a detailed log of all tractor-trailer traffic, and we currently receive 1-3 trucks per week. They currently come down Factory St and turn on Union St. If we move ahead with this building project, we would leave our current facility, so total traffic would remain similar, just instead of turning on Union St, the trucks would continue down Factory St. The distance between the proposed building's loading dock and your property is around 200 feet, so both visual and noise impact should be fairly low.

I can try to answer some more of your questions about the building project as well (below). I will defer to the planning board for questions about the roadway and access, and other regulations. We had initially planned to put in our own gravel driveway for access, but in conversations with the village, it became apparent that the village has a right of way to build a road and extend Factory St along the parcel.

I am looking forward to meeting you at the meeting this evening.

Thanks,

Danila Apasov

Below are the questions from Ms. Blackmore. The responses are identified in **red** from Mr. Apasov, **Village highlighted in yellow**

- Is the plan submitted a "sketch plan" with future detailed site plan to follow?
- **Yes**
- Has there been a soil test done? Is the site stable enough for construction?
- **Based on conversations with our excavating contractor, the site appears to be stable for construction. It will need to be flattened and graded, and the soil will be compacted as part of this process as well**

- What accommodation to soil characteristics, surface drainage, and ground water will be made?
- **The building will have gutters that drain toward the back of the property, making use of the drainage ditch on one side, and moving rainwater behind the building to the West.**
- The proposed private driveway is 330 ft long. Will it be paved or gravel? Is adequate drainage and accommodation for runoff planned for the driveway?
- Village will need to answer this question, as the proposed private driveway is actually Factory Street, which the Village does have a plan to construct.
- What plans are there for pedestrian accessibility?
- Village could answer this. Chairman Krebs added the business/project proposed would not require pedestrian access.
- The proposed parking area includes 15 parking spots. Will it be paved or gravel?
- **Gravel**
- What sizes will the paved or gravel site be, around the footprint of the building?
- **Approximately 81'x30' on the south side of the building, and 70'x30' on the East (road side) of the building**
- In the site plan, it appears the driveway will cross the Perkins' property. Is she aware of this?
- **We've spoken with Kathy and an access easement is in place.**
- What regulation, if any, is in place to differentiate between "light industrial" and general manufacturing?
- **The village zoning document defines light manufacturing as:**

- ✓ "344.02 Light Manufacturing: manufacturing typically having few if any nuisance characteristics. E.g.: non-custom clothing manufacture, cabinet making, welding and small metal products manufacture, sheet metal shop, scientific instrument, manufacture, computer component manufacture and/or assembly."
- ✓ It defines "General Manufacturing" and "Heavy Manufacturing" (which are not allowed in this location) as:
- ✓ "344.03 General Manufacturing: manufacturing which typically has moderate nuisance characteristics. E.g.: electrical equipment manufacture, wood planning, food processing, boat building, meat cutting, brewery, glass manufacture, large metal goods fabrication.
- ✓ "344.04 Heavy Manufacturing: manufacturing which typically has heavy nuisance characteristics. E.g.: petroleum refining, slaughtering of animals, chemical manufacture, saw milling, asphalt manufacture, concrete batching."

- What would prevent future owners from changing the use of the building, i.e. heavy manufacturing or tractor-trailer deliveries at any hour of the day?

- **My understanding is that any future owner would need to go through a site plan review before moving any operation into the building, and would need to follow village zoning, which does not allow heavy manufacturing. CEO Rick Fritz interjected as long as the use stays the same, light manufacturing, a new owner, new application would be subject to Site Plan Review.**
- Will the village be responsible for extending Factory Rd. to the property line? That is at least 40 ft. Will it be paved? Cost?
- Mayor David Fogel answered as the Village has committed to extend the road. The road will be paved. No cost estimates at this time.
- Will street lights be installed?
- Mayor Fogel answered as a possible NO!
- Will utilities be above or below ground?
- **We are waiting for a meeting with a NYSEG engineer. Most likely, they will need to set a pole on the West side of Factory St, to connect to the one that is by Kathy Perkins' house. The utilities will then run underground from the pole to the building.**
- What additional tree removal, grading, or other topographical/environmental changes will need to be done to accommodate access to the site and supporting utilities?
- **Other than site work for the building, there will be a small trench for utilities and sewer. Some trees may need to be removed for road/driveway access.**
- Will Factory and Union St. be considered an intersection? Will I be asked to remove trees and other plantings to accommodate visibility and egress?
- Mayor Fogel responded the intersection would not merit a stop sign.
- Will traffic signs be placed? Other efforts to establish and maintain a right of way? Currently, Factory to Union is taken as a sharp curve and some drivers barely slow down. What will be done to change traffic patterns?
- The Village will have a discussion with Mr. Brennan from the Village Public Works Department.
- The proposed driveway will need to accommodate large delivery vehicles. The plans show the driveway at a width of 26 or 33 ft. running perpendicular to my property. The plans show no vegetative buffer or any acknowledgment on the effects of that loud and potentially dangerous traffic to existing residential properties. If it moves forward, can I request accommodations be made to both buffer visual and sound issues?
- Ms. Blackmore interjected by stating most of this question is now moot, as the proposed driveway has been identified as Factory Street. The Village will build the extension.
- Would any regulation be in place for any vegetation plantings? Would deer protection be mandated?
- **We have a plan for vegetation planting along the drainage ditch. Chairman Krebs added elderberry plants; blue verban, black cherry trees and other grasses were mentioned.**
- Will the property be re-zoned to reflect its commercial nature? What changes could result from such a rezoning or variance?
- **My understanding is that a light industrial use is allowed in a residential zone, so re-zoning is not required.**
- What exactly will the exterior lighting be like? Just one notation was visible on the hand-drawn plan. Will that be the sole lighting for the entire site?

- **We are only planning one larger exterior light on the roadway side of the building, and possibly one small light by the building entrance on the South side. Chairman Krebs indicated with an earlier discussion the lighting would be downward.**
- When does the developer have to account for fire suppression?
- **The building will be constructed to meet or exceed all building codes, in conjunction with the code enforcer.**
- Will there be storage tanks?
- **There will not be any storage tanks.**
- What will happen to the storage container currently on site?
- **The container was left by the previous landowner, and should be removed from the site this summer.**
- Any restrictions on future outbuildings or outside storage?
- **Chairman Krebs stated any accessory building would require proper set backs, the Village CEO involvement and a permit.**

Chairman Krebs asked of those present if there were any further questions. A lengthy discussion occurred regarding how water run-off was to be handled with this project and the existing beaver pond. Chairman Krebs reiterated to Mr. Apasov to submit a stormwater plan so the Board can make a valid decision regarding his application. Adding this was also a concern from the Tompkins County Department of Planning and Sustainability.

The Board members moved on to review §443, questions 1-11, "Review of a Preliminary Site Plan" from the Villages Land Use and Development Code. The Board answered the related questions with satisfaction and mitigated applicable questions.

Ms. Blackmore brought to the attention of the Board that her water line is shared with the neighbor across the street, which runs under the proposed newly constructed Factory Street. Discussion's occurred regarding the weight, volume and traffic patterns of trucks entering and exiting the proposed facility.

Mr. Apasov indicated he was confused regarding a "to scaled building plan vs. a to scaled site plan." Board members along with CEO, Rick Fritz explained to Mr. Apasov the requirements of submitting an architectural scaled site plan to the Planning Board showing his proposed project and the difference between the two sets of plans required, which both need to be prepared by a licensed architect/engineer and stamped. Board members expressed their appreciation to Mr. Apasov with the amount of work already invested in by him and how well his project was thought out. The Planning Board members reassured him that they would continue to work with him to help bring his project to fruition.

With no further comments or discussions heard, Member Buttner made a motion seconded by Member Ortolano to close the Public Hearing. All those present were in favor, the motion carried.

The Public Hearing was closed at 9:10 p.m.

**VILLAGE OF FREEVILLE PLANNING BOARD MEETING
JUNE 18, 2019 REGULAR MEETING**

The Regular Meeting was called to order at 9:11 pm.

Present: Chairman, James Krebs, Member Brian Buttner, Member Thomas Cavataio, Member Justin DiMatteo, Member Stephanie Ortolano. Also present was Karen Snyder, Deputy Clerk.

A motion was made by Member Cavataio, seconded by Member Buttner to approve the minutes of May 21, 2019 Village Planning Board meeting with one correction. All those present were in favor, the motion carried.

The Board members revisited and discussed their completed portion of Part 2 of the SEQR form from their meeting of May 21, 2019.

Member Buttner made a motion, seconded by Member DiMatteo to declare a Negative Declaration of the proposed project of Danila Apasov, for new construction of light industrial facility and declared the project shall have no significant environmental impact. All those present were in favor, the motion carried.

Member Ortolano made a motion, seconded by Member Buttner, authorizing Chairman Krebs to sign Part 3 of the SEQR form. All those present were in favor, the motion carried.

Member Ortolano made a motion, seconded by Member Cavataio authorizing approval of the Preliminary Site Plan application submitted by Danila Apasov for property located at 18 Factory Street, subject to the following condition:

- 1) Submittal of a Site Plan architectural rendering from a licensed architect, drawn to scale, not necessarily stamped at this time, regarding the proposed site project.

Roll Call Vote:	Chairman Krebs	Yes	Member Ortolano	Yes
	Member Buttner	Yes	Member DiMatteo	Yes
	Member Cavataio	Yes		

The motion carried.

Member Buttner made a motion, seconded by Member Ortolano, to adjourn the meeting. All those present were in favor, the motion carried.

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Karen Snyder
Deputy Clerk