

Town of Hamilton Planning Board Meeting
Wednesday, September 30, 2015 at 7:00 pm
Held at Hamilton Public Library, 3 Broad St, Hamilton, NY

Present: Mary Galvez- Chair, Elaine Hughes, Darrell Griff, Bettyann Miller, Bill Nolan

Also in Attendance: Town Attorney Steve Jones, Town Clerk Sue Reymers, Deputy Clerk Michelle Myrto, and Codes Enforcement Officer Don Forth

Representatives from COR: Vincent Durante, Geoff Hillenbrand, and David Aiello.

Others in Attendance: Gwen Benedict, Kevin Benedict, Cindy Martin, Dan Martin, Regina Silvestri, Grattan Johnson, Phil Roe, Tony Aveni, Lorraine Aveni, Eleanor Weyter, Kirsten Weyter, William Todd, Carolyn Todd, Gair Meres, Mark Curtis, Lori Godshalk, Peter Darby, Emily Oren

Meeting called to order by Mary Galvez at 7:01 pm.

This is a Public Hearing and the legal notice was published in the Oneida Daily Dispatch the official Town paper and Mid-York on September 24, 2015. There were also notices mailed to the applicant (both addresses) and to the 10 residents.

Resolution 2015-7 from August 26, 2015 meeting minutes with attached tax map showing 10 parcels adjoining and one over from adjoining to be sent a letter of notice.

Approval of Minutes

Resolution 2015-9: Approval of August 26, 2015 Minutes

On a motion of Darrell Griff, seconded by Elaine Hughes, following resolution was:

ADOPTED: Ayes 5 Nays 0

Resolved that the Minutes from August 26, 2015 be changed and approved.

Resolution 2015-10: Madison County Planning Board Review to be handout

On a motion of Elaine Hughes, seconded by Darrell Griff, following resolution was:

ADOPTED: Ayes 5 Nays 0

Resolved that the Madison County Planning Board Review be handed out approved.

COR Company (WG Critical Care), 2192 Spring St, Hamilton, NY; Tax Map# 154.-1-8.1 Application for Special Use Permit

Vincent Durante is the Executive Vice President for the company and started with a presentation. This was to inform the residents of the proposed expansion for WG Critical Care.

Vincent Durante: We own WG Critical Care. Pieman Spring Street Realty, LLC owns the building. We acquired the place last year from West Agro. We have made extensive amount of renovations to the facility. The purpose of the hearing tonight we want to increase the warehouse and alleviate the traffic conditions on Spring Street because of the tractor trailers backing up. This will cut down the amount of the trucks coming in and out of the facility. Once we have everything stored in Hamilton we won't have to truck the supplies from Syracuse or from New Jersey. We should save a lot of traffic. We are taking the existing warehouse and expanding it 4,000 sq ft. We do plan to put enough foliage around it to shelter it from the street. The look of the building will be the same. Eliminate the sign out front. We have permission from the town to put up a smaller sign on the building. The main goal is to increase the warehouse space and to eliminate the traffic blockage that we have caused on Spring Street. It is a basic structure with 4 walls and a concrete slab. We will not increase the staff, may be one more person. The hours of operation are not going to change, no weekends. There will not be any manufacturing, this is just for storage.

Geoff Hillenbrand from Plumley Engineering mentioned that the it's about 4000 sq ft addition. Loading dock on the northeast end, looking to separate the delivery from employee vehicles. The storm water calculations were run. There are drainage swales that will catch and funnel to the front. A drainage swale will come along Spring Street. The building meets height requirements, setbacks and the one change from our last meeting a corner lot has two front yards. The setbacks are 50 ft on Spring Street and Payne Street. Additional parking and screening. (A rendering of the building was shown to the public).

Vincent Durante mentioned that the building will be pre-fabricated. Once the slab is poured it will take about a week, week in half. The building color will be what the existing structure color is now. The main focus is to give us extra room and it will totally eliminate the tractor trailers backing up on Spring Street. The trucks coming in now are 53 to 60 foot trailers. The product has to be maintained to be under climate control, the product cannot be exposed to the elements. We want to be good

neighbors we don't want to destroy anyone's property. We don't want to block the street in case there is a fire. We want to eliminate this by having the truck back into the loading dock off Payne Street. Once the truck backs in they will be off the street completely. The existing warehouse does not have the room to store. Every week there is a run to either two sites in Syracuse or New Jersey. We run multiple times a week, once the building is up the supplies from Syracuse will be stored here. This will cut down on the truck traffic. The addition is three quarters of a million dollars. It will give tax revenue for the community. We will build the building so it is sheltered. Since the launch on May 1st we have sold 3 million syringes. The product is for the dairy industry, to treat mastitis in cows. Have been inspected by the FDA twice and have passed. The New York State Pharmacy has also inspected.

PUBLIC HEARING-For Application for COR Company on Special Use Permit

At 7:13 pm Mary Galvez opened floor for the public hearing to take comments or questions.

Lorraine Aveni, 7047 Payne Street- We purchased our house 45 years ago knowing there was a business across the street. It was cleared legally that this is a residentially zoned and that the business was grandfathered in. Now there is a continuation of the facility with an expansion by 4900 sq ft just yards across from the resident's property. (holds up rubber gloves) This is how we clean our bathroom and kitchen. This is what is at end of our driveway and how they clean theirs. This is a guy in a hazmat suit. (pictures of guy in white suit).

Vincent Durante, COR Company-This is not a guy in a hazmat suit. This is a Tyvek suit, it is required by FDA. He wears the Tyvek suit because when you are manufacturing this product you cannot have bacteria from the human body going into the product.

Lorraine Aveni, 7047 Payne Street-But quote "this material is not hazardous." Should we worry? How did this come so far? Was the company property grandfathered in? Would the permit further additions, extensions, substantial or otherwise? Can we or shall we open a lumber mill or a pig farm on our land? And by do comparison the sign is not a fond sight.

Vincent Durante, COR Company-We are getting rid of the sign. The sign was discussed at the last meeting.

Eleanor Weyter, 7053 Payne Street-I am directly across from this. At the Board meeting in July Vincent Durante said the main reason for the warehouse on Payne Street is to cut down on the traffic. There is a lot more traffic, a curve, and a hill Payne Street, as opposed to Spring Street that is level. My driveway is directly across from here which is not shown. This will interfere with me navigating my driveway. The drainage is a problem. There will be a lot of trees cut down. This will make a difference in the drainage.

Geoff Hillenbrand, Plumely-The storm water numbers were ran for this site. You have to meet your preexisting versus post conditions. Those figures were submitted to the Town Highway Department and he forwarded them to Soil and Water Conservation. They found no negligible increase for the site.

Eleanor Weyter, 7053 Payne Street-What about the traffic and me navigating my driveway?

Vincent Durante, COR Company-This will dramatically cut down the truck traffic. coming in and out of the neighborhood. Looking at two trucks a week, one coming and one going out. Everything else will be stored on site.

Eleanor Weyter, 7053 Payne Street-Up and down Payne Street is a lot of traffic, cars, trucks, motorcycles, and etc. Your truck will have to compete with this.

Carolyn Todd, 58 Payne Street- Thanks everyone for listening to us, planning board and applicant. This information about this project only as come to our neighborhood recently. 14 days ago I heard about this and started talking to our neighbors on Payne Street, and realized that official notification was not sent out until 7 days prior today. Mail arrived September 24 to 10 neighbors. There are so many, many issues connected to this project. I have 21 areas of inquiry about the project. I have 5 written down. From what we heard tonight, the additional is 4000 sq ft. The preliminary site plan says 4905 sq ft, according to the July Town Planning Board Minutes the project was 80 x 70, which is 5600 sq ft. Mr. Durante you said this is a FDA product and it has to be climate controlled and handled carefully.

Vincent Durante, COR Company-The project is 4905 sq ft. The product does have to be climate controlled and the building will be.

Carolyn Todd, 58 Payne Street-If its climate controlled, will there be equipment for heating in the winter and how noisy will that be?

Vincent Durante, COR Company-It will be working off the existing air conditioning system we already have. The equipment is adequate to do the heating and air conditioning for the additional 4905 sq ft. We will not have to add anymore equipment.

Carolyn Todd, 58 Payne Street- Mr. Durante you say you launched the product May 1st and you have been very successful so far. We understand as a community that this is a very special business, it's important and valuable. Under new ownership if you just launched product on May 1st. The expectation is your going to be very successful. We hope so, but if the expansion is not going to do it for you and you need additional space in the future. For example the storage warehouse needs to be converted to manufacturing. If so, this will impact the neighborhood. The questions are is this the right location for this business and the expansion will it be beneficial to everyone involved? The point of view of the neighbors is it is too much and too big. It is zoned a residential parcel. Maybe you should take your \$750,000 addition and invest in another site now, rather than invest in a site that maybe too small.

Vincent Durante, COR Company-In terms of expanding the manufacturing, the production is at its capacity. The production capacity is roughly 8 million syringes and that is what has been running here for 40 years and that is what the market calls for. We don't see going beyond the production capacity of the plant. We are looking to make it to the 6 to 8 million range within 2 years. It's going to take that long because it has been off the market for so long. Right now we are at 3 million syringes and by the end of the year it will be about 4 million syringes. We have a projection for 6 million for next year.

Carolyn Todd, 58 Payne Street-Only comment to the Planning Board, that there would conditions put on this special use permit. Conditions that will constrict the type of use for the warehouse, so Mr. Durante's plans don't exceed what he is talking about. Because of the complexity of the project. So much to review and has been so little time. I'm hoping the Planning Board gives sufficient time in the future meetings to discuss all these issues and not rush into a decision. As a community we really need more time. The county review was in the hands of the Attorney until

yesterday or today. Until, even the neighbors have a chance to review the documents. I would hope you don't push the project to fast until we have a chance to look at it. I would like to talk about the neighborhood. This is a residential neighborhood. The minutes from the July Planning Board Meeting, the question was asked have you spoken to the neighbors and the answer was yes we have 2 neighbors on Payne Street are ok and 1 neighbor who is planning a development on Spring Street is opposed. Three neighbors do not serve as the whole neighborhood. When the initial business was began in the 1950's it was surrounded by houses. This business did not precede the houses. The subject property was zoned residential and it continues to be residential. The residents have been in long term ownership. Having an agricultural pharmaceutical company has not been an easy thing for the neighbors. I have to say Mr. Curtis has been an excellent businessman. He has been sensitive to the neighborhood. He has done his best to litigate as many of the impacts as he possible could. He didn't put up a sign. He has tried to be a good neighbor. There is concern about a new neighbor who now wants to add on 4,905 sq ft to a building that may be 7,000 sq ft. That is a huge addition. When we looked at the preliminary site plan today only 6 parking spaces were seen. There are 7 parking spaces on the site now. With all the discussion and the concern about the traffic. Backing into this hairpin turn, backwards, down the hill and around to the loading dock. All of question arises about this parking arrangement. The traffic on Payne Street is an issue because of the speed. There are questions of safety are primary concern relative to the traffic.

Vincent Durante, COR Company-We cannot move the facility. Just like the grandfathered site not only for the community but with FDA. When the product was registered in 1973 it was done as a non-sterile process. If the product was to be moved to a different facility, it would have to be remanufactured into a sterile process, it would be reregistered and all new clinical trials. If we were to move to a different facility and if the FDA would allow it would take 5 years just to do the clinical trials. This is making sure that the sterile product is just as effective. The parking, there are 7 marked out spaces. These 7 parking spaces are the additional spaces going in. Also the traffic on Payne Street, we don't have control of the speed. That is a town issue. Our issue is cut down the traffic going into our facility. The plan we have is going to do that.

Geoff Hillenbrand-The width of the road has been expanded. We are giving the truck a shoulder to pull over and back into the driveway.

Tony Aveni, 7047 Payne Street-I have seen nothing, but growth from this business since I moved in 45 years ago. I had great accommodations with Mark Curtis. He was kind enough to not allow 18 wheelers to back in at 6:30 in the morning and waking me up.

Vincent Durante, COR Company-Are we doing this now?

Tony Aveni, 7047 Payne Street-Not yet, but you will. I want to explain the danger of living on the corner of Payne and Spring Street. I have been sideswiped once, trying to move into my driveway. We have lost two pets. We have found skid marks on our lawn, at least two cars on our lawn. The winter time cars almost ran into the trees on the other side. This may not be your concern because you're a businessman. But it's dangerous and you should know you're putting driveway in a very dangerous place. It is dangerous for all of us who live on Payne Street. I think the Town Board should take serious note of this. I think its nuts to be backing a truck into a place like that. It is almost has bad backing them into that little spot on Spring Street. Will small trucks back into that spot on Spring Street?

Vincent Durante, COR Company-We will probably have everything going into the back of the building.

Tony Aveni, 7047 Payne Street-Probably will?

Vincent Durante, COR Company-I would say most likely.

Tony Aveni, 7047 Payne Street-I am not very happy about all of this, sorry.

Regina Silvestri, Spring Street- I was surprised that the first I heard of the proposal was from the Town in an official letter post marked one week ago. This project decidedly impacts my home, my neighborhood and my neighbors. As well as our property values, our safety and our accepted way of life. Some time ago one of my neighbors invented something and was given permission to manufacture this product on his own land. For whatever personal reason, our neighbor sold or leased the rights to manufacture this product to a second company and allowed the second company to rent his factory. This was not public knowledge. There was no public hearing that I knew of or heard of to get our input on this change. A few years after that change of ownership, another change of ownership happened. Again no public

knowledge that I know of and no input from the public. The second company moved out. The factory sat unused and vacant for nearly a year or a full year. A third company moved in and began a much larger operation and now after purchasing the factory. I would like to know the Town's role was with all these changes? I would like to know why the Special Use permit was renewed with a rubber stamp and without review and local hearings again when our locally owned mom and pop operation doesn't exist. That was the reason it was given in the first place. Why this out of state owned operated production is allowed to exist and operate in an area that is zoned residential by our township. And basically has the real estate value of a house or two, which is what should be there. I too am concerned, as well as everyone else about the increase in the large truck traffic this operation is going to bring to Payne Street. A street serviced by an active school bus route. I am worried about the noise, the danger in the winter. I don't know if that driveway is scheduled to be heated. The amount of road salt or ice melt that is going to be used is also going to affect our local environment. I have seen the oil truck caught in our snow and we have a great snow clearing guy. I'm also concerned about the added traffic of additional employees, the loss of the green space when this addition is built and loss of our country like atmosphere that we purchased when we all moved to this part of town. Another thing nobody has mentioned is the impact on the golfers and the clubhouse. The golf course is a big industry, which we have come to accept in our neighborhood. The golf carts are back and forth across Payne Street. This additional huge truck traffic is going to impact them as well.

Bill Todd, 58 Payne Street- There is a sign on the corner of Payne Street and Broad Street, which says weight limit 5 tons except for local deliveries. The trucks would have to go through the village and up the hill. Going out of village to the town that would not be considered a local delivery. I went to the Hamilton Eatery and there was a truck delivering. I asked how much does the truck weigh, unladen weight. He said 6 tons. A truck weighing 6 tons will clearly violate this sign out here, limiting the truck traffic to 5 ton. I want to impress upon you again, that this is a residential neighborhood. It has been a long term residential neighborhood. It has existed with a manufacturing facility that was very responsible. This picture shows a gargantuan addition. It looks large than what is here now. We looked at the diagrams this afternoon. And it's about 2/3 the size of what is there now. I cannot believe that there will be no manufacturing in the new addition. This is prime for moving manufacturing into it. You cannot convince me otherwise. We are concerned about parking issues. We are concerned about the grandfathering issue. This has all been

grandfathered, but this is a brand new project. This is a brand new project and I don't see where this fits into the grandfathering. We are wondering about lighting. What is the lighting going to be doing during the winter with limited daylight? What are the hours of operation? Will it be a 24 hour operation or not? The traffic has already been addressed. Snow in the winter how will it be plowed? Are they going to use commercial or a small quieter personal plow? The warehouse is inappropriate for a residential intersection. There was something about the septic/leach field, which is in this area here (top right corner of drawing). This is going to be directly above elevation wise to a project that may or may not be built across Spring Street. A residential project, which as far as I can tell about 500 ft from here to that project. I was wondering what kind of stuff is going to be going into the leach field and drain across Spring Street. What benefit will this be to the Town and Village? We know it will benefit you guys with your 6 million syringes, but is it benefiting the neighbors or benefiting the town. There is a little bit of an increase in the taxes. We were wondering where the benefits go to. How many new jobs, but you mentioned that you are not ever going to have new jobs. Then there is the property values, when you have a facility that looks this large. What do you think is going to happen to property values? I retired as a real estate appraiser. I know with something like this, if someone comes into the neighborhood and sees this they are not going to want to buy here. Property values are going to suffer and an appraiser should be brought in. We are wondering why a SERQA long isn't being used? We wish we had more time to think about this, rather than a week. It was published in the legal in the Mid-York, but not too many people read that.

Vincent Durante, COR Company-Just to answer your question briefly on manufacturing. We are willing to sign tonight that we will not be manufacturing in there. We will sign any document the town wants us to sign. We will leave it open to inspection. The manufacturing filling line, we paid \$2 million for to put into the building is fixed. We are not putting another one in there and there is no room even with the warehouse going in there. I am willing to sign an affidavit tonight or whatever the Planning Board requires that if they grant us a permit tonight for construction we will not manufacture in that building. As far as a benefit to the community. It doesn't not have a direct benefit for the community. That site has been there for 40 years. It is still making the same product it did 40 years ago. The benefit is to the dairy farmers in New York State. This is the best product to cure mastitis on the market. We intend to be good neighbors. We do everything top shelf. I will invite anyone to come and inspect the facility. I can show you pictures of what the place

looked like before we took over. As far as Payne Street is concerned with this driveway, it is the only viable alternative that we see. As far as the traffic is concerned, we think that putting the loading dock in the back of the building as opposed to Spring Street would cut down on the amount of traffic going in and out of the building. The parking spaces we have addressed. We are not hiring anymore people. If we do hire it might be one person.

Chair Mary Galvez-We are going to move on. Are there any other questions?

Kirsten Weyter, 7053 Payne Street-Just for clarification purposes I want to say the three people that Mr. Vincent Durante spoke with were my mother (Eleanor Weyter), myself and Emily Oren. It was in relationship to our previous relationship with Mark Curtis, his family and the family operation. I just want to point out something. If you take this away (the warehouse expansion) it looks fairly residential and all of this is trees (where the proposed warehouse will be). Some years ago there was a huge flood. There was about 500 ton of rock in our front yard and on the road. It came down and to took a really long time to deal with because the Town had changed the pitch of the road from what it was in the 70's to what it is now. Instead of the road pitch going into the culvert on the side that this business is on. Whatever did go in there went across Spring Street and there was rock all over Spring Street in that corner. All the water went straight to my mother's house. There was 5 ft of water in the basement. We had called the fire department to have it pumped out because it was coming up through the first floor. Fortunately the first floor was not damaged by that. But that is a concern because the hill, the orientation it comes in to a v right by this property and my mom's property. Now this view here is what we would see from the front of our house. This is right across from our driveway. This no longer look residential, this looks industrial. When they do the Albe's pond jumps. I have never seen so much traffic. These rip, groaning rednecks that come up the road, regardless of the pedestrians and so forth. One right after the other, we have weekends like this. I come up that hill every day. You come up to Spring Street, there are near accidents all the time because people poke out from Spring Street. You can't really see. If I turn on Spring Street I have to go around these cars most of the time. It's pretty blind. That's why the property across from here has big rocks and trees to help protect the property. The constructions noise. Mark has been a good neighbor and he has wanted to make home improvements and we have listened to that all summer. We will probably listen to more construction when Emily and Or's ideas of construction. We may listen to construction forever. There is a lot of noise from the

trucks, from employees and from the cars. When Bill Wilcox worked there, there was maybe 5 to 7 parking spaces and that was all that was needed because they were full time employees. Now there must be twice as many employees' that are probably full time and part time. It increases the amount of noise, in terms of parking lot, employees blast their radios. They are outside talking loudly. They are not sensitive that they are in a residential area. Several things have changed. And my greatest concern is this is what we will be looking out at in the future. This is not very attractive. The fact that it will affect my mother's property value.

Geoff Hillenbrand, Plumley Engineering- Everything coming off Payne Street will be gathered towards our facility. Nothing will be getting across Payne Street. The road is pitched towards the facility. There are large drainage swales. This is our grading and drainage plan. (Shows the site plan for drainage and where it will go).

Kirsten Weyter, 7053 Payne Street-The whole pitch of the road in front of that, will that change?

Geoff Hillenbrand, Plumley Engineering-No, you have to meet your existing grade.

Kirsten Weyter, 7053 Payne Street-So from that grade it is pitched toward the warehouse?

Geoff Hillenbrand, Plumley Engineering-He went to the site plan to show the direction of the drainage.

Vincent Durante, COR Company- The picture you see is just a rendering. I mentioned to the Board too, that we will be putting up any screening that is required. So if they wanted us to put up bigger trees like in this area to cut down the amount of what you are able to see, we will do it.

Geoff Hillenbrand, Plumley Engineering-There are maple trees proposed here. They will be fairly large.

Kirsten Weyter, 7053 Payne Street-(She submitted a Google map of the area of her mother's property and WG Critical Care Property.)

Vincent Durante, COR Company- We would refer to the Board on how they would want us to screen the property. Mark Curtis would know we screened off his property from ours.

Gair Meres, 2142 Spring Street-Has there been any discussion through the Planning Board and as this project gains momentum towards introducing warning lights at the base of Spring Street near the golf course? Or up further towards Mason Road? So as to alert people well in advance of getting into the steep grade and blind area that there are trucks turning or loading in that area. So people can make that risk decision to either turn around and go another direction or slow down if they're coming down the hill. Blinking lights, warning lights or is there even the technology to do that. Has this been explored at all, even through the warehouse technology? Has this been discussed at all? Yes? No? Maybe?

Mary Galvez, Chair-This has not been discussed.

Vincent Durante, COR Company-From our stand point that is a Town issue to put those warning lights up. I would like to make it clear the hours of operation in that facility are 5 days a week 7-3. The place shuts down at 3 o'clock. Most of the deliveries or pick ups are between 8-12. That's the end of the traffic. The only other traffic would be the employees going in and out of the building, of which there are 13. As far as a blinking light, I think is a good idea but I think it's a borrowed issue. It's not our issue to do that. The Town would have to take care of that.

Mary Galvez, Chair-Any other questions or comments?

Mark Curtis, 2190 Spring Street-The question I have to the engineering group. We show a 25 ft offer between my current land and the proposed parking area. Yet the proposed parking area comes well within the 25 ft and actually touches my property line. I guess my question to the Board is that 25 ft buffer active or not.

Geoff Hillenbrand, Plumley Engineering-It is a building setback line. That's the 25 ft buffer. You can't build outside.

Mark Curtis, 2190 Spring Street- Is a parking lot considered a structure?

Geoff Hillenbrand, Plumley Engineering-No.

Mark Curtis, 2190 Spring Street- Can you put a new parking area touching someone's property?

Don Forth, Code Officer-There is something in the current zoning. I believe there is some kind of setback on that.

Mary Galvez, Chair- On parking lots?

Don Forth, Code Officer-I believe so.

Geoff Hillenbrand, Plumley Engineering-That was paved previously.

Mary Galvez, Chair-Were you going to expand the parking lot or does the parking lot stay the way it is?

Vincent Durante, COR Company-Staying the way it is.

Mark Curtis, 2190 Spring Street-All this area here is new?

Geoff Hillenbrand, Plumley Engineering-The darker gray.

Mark Curtis, 2190 Spring Street-The darker gray, that all proposed, which is not there now?

Vincent Durante, COR Company-What if we didn't pave that? What if we just put gravel down? We lose a parking space.

Geoff Hillenbrand, Plumley Engineering-To meet code you need the 6 spaces.

Don Forth, Code Officer-You need more because you need handicap parking. ADA law says that, so you lose 2 parking spots because of ADA requirements.

Vincent Durante, COR Company- Right now the guys are parking in the driveway like they always have. It would just make it a little more uniform. If we had to lose 2 spots, we lose 2 spots. It's more important we get the warehouse up then to worry about 2 parking spots.

Carolyn Todd, 58 Payne Street-Why doesn't the existing parking spaces appear on the preliminary site plan?

Geoff Hillenbrand, Plumley Engineering-They are not striped. There is a note on the plan.

Carolyn Todd, 58 Payne Street-These are striped. The ones that are parallel to Spring Street.

Mary Galvez, Chair-Carolyn we are going to give everybody a chance. We will keep that in mind.

Vincent Durante, COR Company-There is no stripes there now. There wasn't any when we bought the place.

Geoff Hillenbrand, Plumley Engineering-There is room for 8 cars in an 8 by 20 slot.

Grattan Johnson, Spring Street-I am concerned along with the other people that a decision not be made without giving us a chance to look at the material that's involved in making a decision, which we have not had a chance to do. My question is that this is not an extension of the grandfather, but a new project. The way I understand it under the law. This is a new proposal, that is asking for placement in a residential neighborhood. There is no reason for the town to make that acceptance. I'm sorry for Mr. Durante, who made a chose to move in here. One would have thought that decision would have considered continuation of process that has been run in the past. There are contingences that he has come up against now that he wants something else. My point is that this should not be considered by the Board at all, should be rejected. We have not had a chance to digest things. We did get tonight a Planning Department recommendation report, which does not have the force either law or even advise to the Board. I want you to read the last paragraph of this signed by Mr. Ingmire the Director of the County Planning Board. Which sites Cazenovia land use law stated "no use shall be expanded or enlarged or increased in intensity in any manner whatsoever". I don't know if our philosophy in this town is that determined. Mr. Ingmire seems to be suggesting that. In early parts of report he points to some minor problem. In this last paragraph he is suggesting how I feel and that is there are no circumstances under which this change in zoning arrangement should be considered. When the application first came to the Board, why wasn't it rejected then to save Mr. Durante the expense and problem of going through this preparation for this meeting.

Vincent Durante, COR Company- We started this process in June. This is what, the 4 or 5 meeting?

Grattan Johnson, Spring Street-Probably at the first meeting the Board should of told you this cannot happen.

Vincent Durante, COR Company-We are not changing the use of the building.

Grattan Johnson, Spring Street-I'm not concerned with that. My point is not that you are changing anything other than you adding structure and asking for change of use.

Mary Galvez, Chair-I ask that all comments be directed to the Board and not to each other and take turns. Comments or questions, who has not spoken yet?

Emily Oren, Oren Construction-We purchased, 2185 Spring Street, which is across the street. We always intended it to be residential. We approached the Board about doing residential building. We are trying to meet all the septic and sewer questions head on and follow the rules like everyone else. This is an exception that really doesn't meet the basic rules of this neighborhood. I have questions about the leach field and lights all the same questions everyone else has. About being a resident in a residential neighborhood and having a factory expanding. I agree with what everyone else has presented and against the idea of this project.

Vincent Durante, COR Company-As far as the septic system is concerned, we don't put anything hazardous in the septic system other than water from the toilets. When we clean the equipment it's cleaned with alcohol swabs. The alcohol swabs are put in containers and taken off site. We put nothing into the sewer system.

Emily Oren, Oren Construction-Does the scale change?

Vincent Durante, COR Company-The septic system does not change.

Emily Oren, Oren Construction- How many trucks per week per day? I would like to know exactly.

Vincent Durante, COR Company-If we put this addition on probably 2 trucks a week as opposed to 1 coming in every other day.

Emily Oren, Oren Construction-Not having lived there for 40 years how is it different from the quantity of traffic from what was created by Mr. Curtis's business. It's the same volume.

Vincent Durante, COR Company-Mark Curtis lives next door. He did it for 40 years. He knows the operation. I think it really hasn't changed much.

Mark Curtis, 2190 Spring Street-We did it differently. Which is neither good or bad or indifferent. We tried to use a truck that brought material in and brought material out. Our production would have a trailer per week; bring raw material in and taking away finished goods. Sometimes smaller ones would come in.

Emily Oren, Tony Aveni-The trucks got bigger.

Emily Oren, Oren Construction-He is trying to reach where you once were. We are not using the same trucking process. Why? It's no longer viable the way you did it?

Vincent Durante, COR Company-Exactly what we are trying to do. We are using the same warehouse that Mark used, WJW Warehouse in Syracuse. We are battling with them, when it comes to the outbound stuff, to get smaller trucks in, the problem is that product has to be under climate control. Reefer trucks are the smallest they are 53 ft. We can't bring a 40 ft truck in there. That's what has been causing all the issues on Spring Street. We had one incident on your property (Emily Oren) where the truck skid on to your property and took out a piece of your lawn. Which we repaired. We are trying to get away from that, but because of FDA regulations this is how we have to ship the product out. This is why we want to put it on the side because it will take the truck totally off the street. Yesterday a driver could back into the small driveway we have, but an inexperienced driver cannot do that. They would have to drop the trailer and we would have to come out with a forklift. We don't want to do this anymore. We can't do this because of the FDA. We don't want to be bad neighbors. We get shot down your going to continue with these traffic conditions. We had to change a number of things since we took over the registration. When Mark Curtis Company had it the FDA had not inspected the facility for quite some time. When the facility was shut down and dismantled. The FDA had to come back in and re-inspect it. Within that time because of re-inspection they changed a lot of the guidelines in the way you manufacture and ship the product. The filling line that Mark had was free standing and now it is enclosed area that is pressurized with a special way to handle it. There are different guidelines we have to follow and it is government regulated product.

Emily Oren, Oren Construction-The value when you purchase it was \$380,000; you pay an assessment of \$245,000 school taxes. It seems like if we want to see a benefit to our community we should be excepting the money we so desperately need in this community coming from a health business.

Vincent Durante, COR Company-I wouldn't have any dispute with that. It is up to the to town re-assess the property. I'm sure if we put the addition on they will come assess the property and we will have to pay higher taxes.

Mary Galvez, Chair-We are going to move on. Is there anyone that hasn't spoken yet?

Regina Silvestri, Spring Street-I hear that Mr. Durante wants to be a good neighbor. I appreciate that. We are all concerned about our loss of property value. Its new project it is not grandfathered and it should be rejected by the Board. There could be

a good neighborly solution. I don't understand why the warehouse couldn't be built in a closer location to the factory in an appropriate neighborhood. Where trucks could be smaller, we would be less bothered by this. We are stuck with the first building even though I fail to understand how a businessman purchases a building in a residential area that has special use permit and believes he can carry on using a special permit for expansions. There could be a solution.

Lorraine Aveni, 7047 Payne Street- It is or isn't it not legal to put an addition on a grandfathered property. I wonder if Mr. Durante ever received permission from an agency or person in the Town. Indicated that this was fine to go ahead and make plans and spending money.

Vincent Durante, COR Company-When we bought the property it was grandfathered. We went through the whole legal process. If there was restriction on the property we would have been told that.

Lorraine Aveni, 7047 Payne Street-I'm not discussing that. I am asking about the addition. Is this legal in this Town?

Attorney Steve Jones-Mr. Johnson you spoke every elegantly about what the county said about Cazenovia, but that's not the law in the Town of Hamilton. The law in the Town of Hamilton was adopted and it was revised in 2009. This is the document we all have to live with because this is the law that was adopted by the Town Board. In the zoning law there are provisions about what happens with grandfathered uses. This is a grandfathered use, but as the Madison County Planning Board pointed out there are real restrictions on allowing increases or expansions.

Grattan Johnson, Spring Street-Are we considering an expansion of the grandfather clause or we looking at a new project in a residential area requiring some other legal justification?

Attorney Steve Jones-There are 3 things we are looking at: site plan review, special permit and the expansion of a non-conforming use.

Grattan Johnson, Spring Street-Where is the legal bases for that?

Attorney Steve Jones-It is in the zoning law. Page 7 Nonconforming Uses and on page 9 Changes and additions. What do you have to show to be allowed to change or expand a nonconforming use? The Madison County Planning Board has pointed out

a number of things that we have to take special note of. In the zoning law it talks about special permits on page 55 and Site plans on page 60.

Grattan Johnson, Spring Street-Is the Board free to reject this proposal?

Attorney Steve Jones-Yes, they are free to reject the proposal if they find it does not comply with the law. A number of people tonight said they just got the notice a few days ago.

Grattan Johnson, Spring Street-We are living in a town here. We want to behave as neighbors and as reasonable people. We need our Planning Board to make decisions that are reasonable for the Town within the law.

Attorney Steve Jones- Folks have talked about not getting notice sooner. The law requires that the notice be mailed at least 5 days prior to the public hearing and in the paper. I filled out the application for Madison County Planning Board Department to give us this information. The Board should be given credit because they were approached by Mr. Durante and their presentation and the Board would not proceed until their application was completed it took a month and the Board wanted Madison County Planning Board to look at this, which was 30 days but was not required. The Board wanted their expert advice and that report reached me yesterday by email.

Mary Galvez, Chair-The County has 30 days and they took the full 30 days.

Grattan Johnson, Spring Street-It is useful to understand that Mr. Ingmire suggests that either force of law or advice to the Board. Simple observations about the situations.

Attorney Steve Jones-The Board does take it as advice and we are happy that we have the advice. It is directing a lot of our discussions tonight. The Board has 62 days from tonight to make a decision.

Bill Todd, 58 Payne Street-Why other than the FDA input on inspecting the building. Why can't we use the airport business park? They really want someone down there to build and this would be an ideal use. I understand you may have to get a little more inspection for the FDA, but why not build it down there.

Mary Galvez, Chair-Mr. Durante addressed that earlier.

Vincent Durante, COR Company-It is not our intent to disturb the neighborhood, but when you run manufacturing facility you need to have all your components under

one roof. It becomes an inefficient operation when they are not. It is not the way you run a manufacturing facility. We have another facility in Syracuse. We have worked very close with the City of Syracuse to be good neighbors. I don't want to disturb you. I don't think it's really going to affect your property values if we expand. The building is already there. If people are going to come in and buy a home in that neighborhood even if there is a warehouse there or not. We will be good neighbors. We will open the building up to everyone who wants to see it. It is very important that we keep a steady supply of materials.

Bill Todd, 58 Payne Street-You said the truck traffic will be twice a week. And earlier I heard every other day. Every other day is like twice a week. There isn't too much difference then there is now.

Vincent Durante, COR Company-Right now there is much more traffic. We have trucks going in and out of there now more than twice a week. Mark Curtis said they had a truck every other day. We are trying to get it down to twice a week. We think if we have everything there and the new driveway which will make that more efficient for everyone. We leave it up to the Town to decide. We will not expand into the warehouse. I am willing to sign off on it. We will do whatever the Planning Board instructs us to do to screen the addition. We already made some good accommodation about the drainage. If the Town needs assists we are willing to help pay for a sign to put up on Payne Street.

Bill Todd, 58 Payne Street-How do you happen to address the 5 ton limit on Payne Street? If you drive down Payne Street to University you will notice that Payne Street narrows. It is wider up here and narrower down there and a 5 ton limit.

Vincent Durante, COR Company-I don't know which direction the trucks are coming from to Spring Street.

Eleanor Weyter, 7053 Payne Street-They come up Payne Street.

Vincent Durante, COR Company-They are coming up and probably have been coming up Payne Street for the last 40 years. It is a Town issue to enforce, if they don't want the trucks coming up Payne Street, police should be stopping them.

Peter Darby, Town Council-Bill that is for local delivery not through traffic.

Bill Todd, 58 Payne Street-It says local delivery, but if you go through the village and into the town that is not local delivery.

Geoff Hillenbrand, Plumley Engineering-Is the village not part of the town?

Mary Galvez, Chair-No, they are separate. They have their own laws and zoning.

Vincent Durante, COR Company-If we have to redirect the trucks to come from another direction we will. The trucks have been coming from the same direction to the site for the last 40 years.

Bill Todd, 58 Payne Street-I'm not sure if that would be a grandfathered use. There is clearly a sign out there.

Carolyn Todd, 58 Payne Street-Mr. Durante said we have to do whatever the FDA tells us to. If the FDA comes in and says you have to change something about the facility, some location of manufacturing from one portion to another portion in the facility. Down the road if changes need to occur on the site beyond the control of the company does that mean it is open ended.

Vincent Durante, COR Company-The regulations with the FDA are very complex. We have to follow procedures. We have to have it all spelled out in this drug application about what procedures are being done. These registrations are site specific. When it is approved by the FDA it is approved in that site. This product was approved in 1974 as a non-sterile product it would have to go through clinical trials and new registration to become sterile if it was to be moved.

Carolyn Todd, 58 Payne Street-It sounds like it is an open ended site, specific set of registration, regulations, and if the hours change, handling changes, refrigeration changes, temperature control changes, air conditioning changes. You're going to have to comply.

Mary Galvez, Chair-If there are big changes they would have to go through this process again.

Emily Oren, Oren Construction-You don't think you have to change your air conditioning to a bigger air conditioning system. What about the noise. What are the protections that would be there just to make sure that if you are upgrading to meet your needs of 5,000 sq ft.

Vincent Durante, COR Company-The protection would be there if we had to upgrade heating or air conditioning because we would have to apply for specific permits with the building department, plumbing inspector or the electrical inspector.

Emily Oren, Oren Construction-I don't know if our town codes are that specific to protect the residents.

Vincent Durante, COR Company-Do we here in New York follow the same codes as everyone in New York.

Don Forth, Code Officer-There is building code and each municipality makes their own code as long as it doesn't infringe on the state code.

Vincent Durante, COR Company-Look at your project you're going to be doing (directed to Emily Oren). You are going to be putting air conditioning systems outside of your buildings. Which are going to make noise for your neighbors. Probably no more noise than what ours is going to make.

Emily Oren, Oren Construction-You're a business with a unit that runs at one time, that's very different than individual residents.

Vincent Durante, COR Company-It is not much different than a residential unit.

Emily Oren, Oren Construction-That is your prior building.

Vincent Durante, COR Company-There is just going to be boxes stored in the warehouse. The climate control is being fed from the main building. There are two, 500 ton air conditioning units, which is what is in a residents. It is only a about a 7,000 sq ft building. There are homes bigger than this facility. You hear a noise once a week at noon on Wednesday. It is the backup generator. Cycles for 20 minutes.

Regina Silvestri, Spring Street-The residents for this area want it to be a residential area. It is the only spot on the Town of Hamilton's zoning map that is specifically noted to be a residential area.

Peter Darby, Town Council-We do have local residents that are concerned about the issues of the expansion. When the Comprehensive Plan came out 90% of the people wanted to conserve agriculture. I understand that this product is extremely important to the dairy farmers. The expansion that you talk about is modest and to make business better. The thing I am concerned about is the trucks pulling up on Payne Street and having to swing out into the other lane backing into that driveway. Maybe if we had lights up there that were synchronized when trucks are backing up. We are all projecting all hypothetical problems potentially in the future. We become completely immobilized if we fear every possible future problem. Life cannot stop.

You have someone you is investing a lot of money and retaining jobs and he is providing a product that is important to our community. We need to find a way to make this work and make his business work.

Bill Todd, 58 Payne Street-This is a residential area. They can build their warehouse at the airport park.

Mary Galvez, Chair-All comments should be addressed to the Board.

Grattan Johnson, Spring Street-I would like to know if we are going to have another opportunity after we have looked it all over.

Mary Galvez, Chair-I don't believe there will another public hearing, but they can send a letter.

Attorney Steve Jones-If the Board doesn't vote tonight, people can submit more information if they want. It is up to the Board.

Bettann Miller, PH Member-I am really curious has to how many are really happy about the traffic situation on Spring Street, as it is now.

The residents said they are not happy with the traffic on Spring Street.

Bettann Miller, PH Member-This is an alternative to that as I understand. I was curious as to which alternative you would like.

Cindy Martin-Yes, the traffic is a problem. This is just going to move it to another street. We are still going to have the same traffic issues. I don't know if anyone has checked into the traffic patterns or not. We have a lot of pedestrians that walk the loop, kids on bikes, and runners. How would the Board feel if they lived in our area? I wonder if this didn't go through what you would do.

Vincent Durante, COR Company-We would continue with multiple trucks coming up from Syracuse almost on a daily bases. I understand everyone's concern about the traffic, but I don't think we are the real cause of the traffic.

Geoff Hillenbrand, Plumely-You can't stop people from speeding. It's 30 mph there.

Mary Galvez, Chair- There are a couple of things the Board can do. They can request a traffic study. Paid for by the Applicant. We can also, if a special use permit was issued we can put conditions on it, which could address some of the concerns.

Vincent Durante, COR Company-We will do what we have to do. We spent a lot of money on engineering to come up with a solution. We are not going to sell the plant to someone else.

Kirsten Weyter, 7053 Payne Street-The traffic study, it would be interesting to know what speed people really do up and down the hill. Will the trucks stay within the extension of driveway.

Geoff Hillenbrand, Plumley-The extension is 10 ft, so trucks will come in here and back in.

Peter Darby, Town Council-Does the truck swing out into the road?

Cindy Martin-How was the square footage arrived at? Is there any way to pull the truck off behind the warehouse or go around the warehouse, so it is off both streets. Backing in is much more dangerous than having it go around or pulled it in.

At this point, there was discussion about how the trucks are backing into the side of the building off Payne Street and where the truck will be parked.

Kirsten Weyter, 7053 Payne Street-This is directly across from my mother and my driveway, which is difficult to back out of our driveway. I want to know if this will obstruct Payne Street in anyway.

Geoff Hillenbrank, Plumely-No more than a truck on the road.

Eleanor Weyter, 7053 Payne Street- We don't have trucks across from our driveway.

Mary Galvez, Chair-There is an option to have a traffic study. We can put conditions on this. I am asking the Board if they would want to table this and discuss this more or are you ready to make a decision tonight.

Darrell Griff, PH Member-In fairness to the residents and fairness to COR Company we need to take some time to look at our notes and minutes and discuss at another meeting before we make a decision.

Mary Galvez, Chair-We just got the County report today too.

Eleanor Weyter, 7053 Payne Street-I really think you need to do a traffic study.

Mary Galvez, Chair-If anybody has any concerns, you are more than welcome to write a letter to the Town Office, which will make it to the Board.

Resolution 2015-11: To review all information on Special Use Permit for COR Company Application

On a motion of Darrell Griff, seconded by Bill Nolan, following resolution was:

ADOPTED: Ayes 5 Nays 0

Resolved that the Planning Board will review all information before making a decision be approved.

Regina Silvestri, Spring Street-I went to the Town website to look up the Planning Board and look up the minutes. The last minutes that were posted were from 2013. Is this really true? Have you not met since 2013?

Mary Galvez, Chair-We do have a new Town Clerk who is working very hard to update everything. She has the minutes and they will be posted. We also have a new Deputy Clerk.

A motion for adjournment was made by Darrell Griff and seconded by Elaine Hughes. Meeting adjourned at 8:57 pm

Respectfully Submitted by
Michelle Myrto
Town Deputy Clerk