



Town of Hartland Planning Board Meeting Minutes

Thursday May 18, 2023

In attendance: Robert Harris, Robert Spencer, Beverly Snell, Steven Urtel, Attorney David Haylett and Secretary Jennifer Mason.

Public attendance: Joseph, Lindsey and Joey Mahar, Raffaella and RJ Clemens, Martin and Ramona Richardson.

The meeting was called to order by **Chairman Robert Harris** at 6:35 p.m.
Chairman Harris read the notice of the public hearing.

Public Hearing:

Joseph W Mahar - Mahar Excavating Inc & Septic
3001 Quaker Road Tax Map # 56.00-1-38

Application for Site Plan Approval and Special Use Permit to conduct a topsoil, mulch and aggregate stone business at said premises.

Chairman Harris asks Joseph Mahar to go over the process that you are going through down there.

Joseph Mahar explains that they have mulch, stone and topsoil, which are hauled in from off site, they then screen it on sight and sell to the public.

Chairman Harris asks if there are any public comments. If so, please stand and state your name.

R Clemens states that the operation is a little larger than they had anticipated. There is a lot of equipment there, we understand he is trying to be a good neighbor as are we. The hours are wonky 7 days a week, for example, Sunday nights at 7pm they're still working, lots of equipment noises. Clemens assumes once they are organized there would be more normal business hours. Later in the evening they can hear the noise in the house with the doors and windows closed. There are larger dump trucks, tractor trailers there.

J. Mahar: The weather was not on our side as we got started. We had a conversation about not working late at night. We are annoyed by the back up noises as well. We may be able to put in a switch where we can turn the back up noise on when the public is there and turn it off when the public is not on site. It is a safety concern as well, we don't want to run anyone over. We can set our hours like 8-6 and a half of a day on Sundays.

C. Harris: In your permit application you requested the operation hours of 7am - 7pm Monday through Sunday from April to June, and 7 am - 5pm Monday through Saturday from June until fall weather.

J. Mahar: We're not getting very many people after 5pm anyways. I submitted the request for 7 am just in case I get up early and want to get started. I tried to give myself a little leeway. We can set the open hours to Monday - Saturday from 8 am to 6 pm and Sundays from 8 am to noon. Our goal after getting a stockpile is to not be there as much and not at all on Sundays. Saturdays have been a very busy day, we would like them to remain full hours.

Chairman Harris: Will we modify this request in the decision. 8am-6pm Monday - Saturday and 8am-12pm on Sundays.

Attorney Haylett: Do you have enough room for trucks to turn around on the property so they do not have to park on the road?

J. Mahar: Yes, no one needs to park on the road. We did have one person because the lot was full, we moved them off the road as soon as possible.

Chairman Harris: We noticed on the South side you have a dirt barrier there, is that something you just put there or is there a reason for it?

J. Mahar: The Board had mentioned we should create a visual barrier with trees there. We have purchased the trees and bushes.

Chairman Harris: Is there a sign in place?

J. Mahar: Yes, it was approved by Mike Hartman

Chairman Harris: The building you have there, there is a question regarding if that trailer is a legal building.

J. Mahar: Mike said there is a rule that you cannot have an unregistered storage trailer. This isn't a storage trailer, it's an office. We called the DMV to see if we can register it, they said it does not have to be registered. We may move it to the back, for now it's placed as a safety precaution due to the intersection across the road, and for the convenience of the trucks bringing in product.

Chairman Harris asked if they plan to put a barrier of trees on the North side of the property.

J. Mahar: We are leaving that as farm land, so there will be corn there most of the time. We left a big buffer zone there for him.

Chairman Harris asked if there were any other questions from the public.

R. Richardson: What months will this business be open? March through September?

J. Mahar: Most likely yes, it will not be opened during the winter months.

Chairman Harris: When customers come in do they come in with trailers they're towing?

J. Mahar: Yes, they come with all sorts of vehicles, mostly trailers, pick up trucks. One person had a 1 ton dump truck. Only tractor trailers will be the ones delivering the mulch and our own personal dump truck. The delivery trucks are about once a week. Right now it's been every other week that we have been getting a delivery. Our personal dump truck is there more often. Two tandems, a single axle and a little dump truck.

Chairman Harris asked if there were any more comments or questions from the public.

With no further questions or comments,
Chairman Harris closed the public hearing at 6:53.

Attorney Haylett states that the SEQRA is not a type 1 or type 2, it's unlisted. He explained to the public that a SEQRA is There are 3 types; Type 1 is for large projects with environmental impacts, Type 2 is for area variance, and Unlisted action which you have to go through certain findings to make sure the proposed action wouldn't have any significant adverse environmental impacts. This is a New York State Law for any action a governing body takes.

❖ The factors we have to go through are as follows:

- 1) Will the proposed action create a material conflict with an adopted land use plan?
 - a) No, or small impact may occur. This property was rezoned to the general business use district and this use is now allowed by Special Use Permit. That's why we're here.
- 2) Will the proposed action result in a change in the use or intensity of use of the land?
 - a) Moderate impact, because it is vacant farmland and now we are going to bring the public in .
- 3) Will the proposed action affect the character or quality of the existing community?
 - a) Small impact, it will be a business with rural tendencies
- 4) Will the proposed action have an impact on the environmental characteristics that cause the establishment of a critical environmental area?
 - a) No.
- 5) Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure such as mass transit, biking or walkways?
 - a) No, or small impact may occur.
- 6) Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable opportunities?
 - a) No, or small impact may occur.
- 7) Will the proposed action impact exiting public or private water supplies or public or private wastewater treatment utilities?
 - a) No
- 8) Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources?
 - a) No, or small impact may occur.
- 9) Will the proposed action result in an adverse change to natural resources?
 - a) No, or small impact may occur.
- 10) Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?
 - a) No.
- 11) Will the proposed action create a hazard to environmental resources or human health?
 - a) No, or small impact may occur.

If the Board agrees with these you will have to do a Resolution determining that the action will not result in any significant environmental impacts.

B. Snell makes a motion that this request meets all of the points of SEQRA Type Unlisted. It meets all requirements. **B. Spencer** 2nds the motions.
4 Ayes 0 Nays

S. Urtel: How long does the Special Use Permit last?

Atty Haylett: In this case, it can be revoked if there are any violations or until they no longer operate the business. Other towns review them every year to make sure they are compliant with the conditions, we do not do that here.

After review and discussion, and based upon the findings to be set forth in the minutes, this Board hereby:

APPROVES the site plan as set forth in the application, subject to the following conditions:

1. The Site Plan shall conform to ordinances of the Town of Hartland in all other respects.
2. Any violation of the conditions shall be grounds for revocation of this Special Use Permit.
3. The premises shall be kept neat and orderly.
4. Operation Hours shall be limited to the hours between 8 am to 6 pm Monday through Saturday and 8 am to 12 pm on Sundays. No business operations shall be conducted outside of these hours.
5. Business shall be screened by vegetation from neighboring properties.
6. 8' x 20' trailer permitted as office on premises provided it meets all other code requirements including setbacks.

B. Spencer makes a motion to approve the site plan and special use permit as set forth in the application subject to the 6 conditions laid out above, seconded by **S. Urtel**.
4 Ayes 0 Nays

Chairman Harris congratulates Mr. Mahar and states he is now in business.

B. Spencer: asked Attorney Haylett for an update on the AirBnB law. Attorney Haylett will email a copy for the Board.

B. Spencer: In regards to last month's meeting, he would like to make sure the minutes mention that residents can give away manure. He would like to prevent any issues in the future.

B. Snell made a motion to adjourn, seconded by **B. Spencer**.
4 Ayes 0 Nays

Meeting adjourned at 7 pm

Next regularly scheduled meeting will be Thursday, June 8, 2023 at 6:30 pm.

Respectfully submitted,

Jennifer Mason

Jennifer Mason
Planning Board Secretary