

Town of Milton
June 1, 2021
Town Board Special Meeting
310 North Line Road and Zoom as a Teleconferencing Meeting
7:00pm

Meeting called to order by Supervisor Zlotnick at 7:00pm

Pledge of Allegiance by Councilman Frolish

Supervisor Zlotnick – There is a sign in sheet to speak. We will go down the list. If someone has already stated what you want to say, please state that your opinion has already been stated. Everyone will have 3 minutes and there will be no giving up time for someone else. Once everyone has spoken, we will allow the business owners to speak.

Shannon Doherty – I will not be speaking tonight.

Polly Windels – Meadowlark Drive – I am speaking for Mr. Landis. Recently the Board members were sent a very through report. If someone wants a copy, Mr. Kaine can help. We ask the Board go through each point tonight and address them.

Michael Kaine – Meadowlark Drive – I have lived here for 17 years. Thank you for scheduling this meeting. I have been involved since 2018. It was a salvage yard and is now a huge metal recycling facility. The ground shaking is very annoying. I want to hear the recommendations from Councilwoman Kerr and Councilman Isachsen. We are all united in having a better quality of life.

Michelle Goyette – Nothing

Mike Iacolucci – Russell Street – The points raised by Polly cover the points I wanted to make. Seems to me there should be a clear answer to the validity of the license permit held by PlanIt. With the type of work being done, the residents have a right to be worried about ground water pollution. What testing has been done?

Karen Dickinson – Same as already stated

Rich Stevens – Goldfinch Lane – I don't experience some of the things as Meadowlark. I have been woken up at 8 or 9am with the dropping of heavy equipment. Repeat what the last gentleman stated. How can they still be allowed to run a business on that site? The property values are dropping and people are selling to get away from the noise and smell of PlanIt. Are they getting the full value for their property?

John Olenik – Van Tassel Lane – 48 years ago I built by the airport. It was a small county airport. Then it expanded and the jets got larger and noisier. Now the military helicopters do touch and go's from 9 to 11pm. I did not sign up for that. Far beyond a small airport. I can understand their issues. They bought next to a salvage yard and now the usage of the property has increased. The issue now is does PlanIt

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comply with the “grandfathered” clause? If found that he is in compliance, so be it. Something must be resolved.

Shane McClollan – Meadowlark Drive – I agree. I have lived here for 12 years. This is 100-200% different business then what was there 12 years ago. Now it is a full recycling plant. It is a different place then before. Has evolved within the last 5 years or so.

Robert LoCicero – Skylark Drive – I think we have a private nuisance. The vibrations caused by PlanIt cause my windows to shake. Has there been damage done to my house? State has a “private nuisance” law. PlanIt is a nuisance. The Town needs to look at State code. Concerned with structural of my house. That is a bigger issue for the Town. Nuisance of private organizations impacting private homes and residents.

Michelle Goyette – Skylark Drive – I support everything. SEQR needs to be done. The vibrations and any problems with water.

Dave Buffman – Meadowlark Drive – I’ve been listening for about 3 months. I agree with my neighbors. There needs to be a resolution. Not our or Mr. Dawson’s responsibility. It falls totally on the Town.

Ryan McMahon – Citation Way – I have been here a year and dealing with the same issues. I support what has been said.

Tony Licata – Ichabod Lane – Stand in solidarity with those people. We can hear the noise when we walk. What has changed since Loya was there? When the permit needs to be renewed, hold it up until these issues are addressed.

Keith Lewis – East High Street – The Board needs to read the report the neighbors put together. The Town of Milton has a wonderful noise ordinance in zoning. It defines what decibels a business can operate. Use the code. Have an outside independent firm test to see if they are within those decibel restrictions.

Tony Dawson – Greenfield Avenue – Good evening. I’m the guy accused of being bad and intimidating. We employ over 24 full time employees with medical/dental/matching 401k’s. We did our due diligence before purchasing. If I have come across as intimidating, I am sorry. I have tried and want to be a good neighbor. The letter sent by Ms. Kerr and the notice sent out by Mr. Landis were totally different. The documents addressed by Mr. Kaine and Polly, I have not seen. The handout by the neighborhood group seems to be the same issues of tonight’s meeting. In 2015 we had a contingency to purchase. On 2/4/15, we received a letter from Wayne Howe regarding the property and it satisfied our concerns about usage. Loya started the business in 1958, prior to any zoning ordinances. Chapter 103-A – Junkyards/Salvage/Processing of used metals. Chapter 103-1b (read). We are properly licensed. 2015 was the initial year. Each year we must have an inspection prior to license renewal. We are operating in

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full compliance with Chapter 103. I get it and sympathize with the residents. In 1958 it was apple orchards. A developer went before the Planning Board. Local Laws and deed restrictions were put in place prior to allowing the subdivision. Notification of the junk yard and airport are in the vicinity. Furthermore, the claim that this is a different business, Chapter 103 supports my position as does the decision of Judge Ferrindino. Increase in volume doesn't negate the pre-existing.

Environmental concern- We have been turned in numerous times to DEC and have never been found to have any issues. SEQR was brought up by Stephanie Ferrindino that the Town Officials are eligible to make that decision. Pre-existing so SEQR was not necessary. We purchased in 2015. If someone felt that the Town of Milton made an improper decision, they had a 4-month window to complain. It has now been 7 years. Mr. Loya operated Triple E Recycling and Scrap Metal.

I have offered to this Board and have made significant changes. Updated fences, moved the recycling. If the Town of Milton wants to stop my operations, get me a PDD with water and sewer and I'll start procedures tomorrow. I am not interested in doing this every 2 years. I think I have covered all the comments made tonight. There is no evidence that berms absorb noise, they deflect noise. I am happy to answer any questions.

Supervisor Zlotnick – Motion to close the public comments?

Councilman Frolish – I don't want to close.

Councilwoman Kerr – Mr. Kaine, the recommendations made by Ryan and myself, do you want to go over them? It is very evident to me that our recommendations will not make anyone happy.

Councilman Isachsen – Look at Section 103-6C – Noise; protection fencing on all sides 6 to 8 ft as a visual screen; earth or tree berm; moving location of crushing; compliance will be required before licensing renewal; hours of operation-Labor to Memorial M-F 8-5 and Sat 8-12; Memorial to Labor M-F 8-5 closed Sat & Sun.

Supervisor Zlotnick – These are not just for PlanIt but for all 3 businesses.

Councilwoman Kerr – I looked but don't think these will make anyone happy. I don't know if they are legal pre-existing. In 2014, Loya/PlanIt did not renew until February 2015. The property went from Loya to Carter to Burke to Carter to Dawson. I want to see the Environmental study. I want an attorney opinion on the pre-existing condition. I want an independent engineering company to come in and do a whole report with sound and vibration. In 2019 the residents brought in an independent company and got decimal readings of over 100 but Code Enforcement did not follow through.

Tony Dawson – Do you mean just my operation? Who will pay?

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Councilman Kerr – All 3 businesses. The Town will pay. We could have an environmental study done with the independent report.

Tony Dawson – What is the basis of this? Talk of not issuing the license. There are Town Laws if you are going to pull my license.

Councilwoman Kerr – I never said pulling your license. Ray Jones license has also lapsed in the past.

Tony Dawson – So if there was a lapse in 2014, then the Town should have dealt with the lapse then, not 7 years later. You want to pull my license for something I had no control over.

Councilwoman Kerr – I never said pull the license. We need to have a study.

Supervisor Zlotnick – We can do research and discuss firms at the Wednesday meeting.

Tony Dawson – The roadside fences are already in compliance. 8ft fence is not compliant with current zoning. You already have 2 developments that are required to install and maintain fences. It's a bid ask for the Town to require double fencing. I have taken the time to prepare for tonight. Most homeowners policies cover fencing. (handed out documents) Based on the dimensions of the property and fencing about \$60 a linear foot, it would cost between \$150,000 and \$160,000 to fence as an estimate. Earth berms are a 3:1 ratio, that's about 2/3 of the property. Milton Oaks development have a 75ft buffer zone. If the Town wants to offer the berm be put on that 75ft zone, I will allow access from my property for the work. To build a berm it would be about \$240,000 in materials and another \$300/hr for rental on a machine. If there is a current law for property owners to maintain their fences and the Board ignores, that is a double standard. A change to the existing law making the business owners come up with \$500,000 to \$600,000 is unfair and I feel illegal.

Shane McClollan – The point is there is an issue. Something has changed. No one cares what it would cost you to put up a fence. This needs to be addressed. Why is it not okay for you to maintain a berm but my 75ft is okay? We need to evolve and compromise.

Kim White – Citation Way – In the late 1990's massive storms came through here and took out 100's of trees. Many of the buffers may have been downed in those storms.

Karen Bishop – Meadowlark Drive – I agree with what everyone else has said. We've been told it's our problem is because we didn't do our due diligence. It's not just our responsibility. The Town if responsible also. We really need a sound barrier. 6ft is not enough and it needs to be 8ft. If zoning needs to be changed, change it. We need something bigger and better. Hate to see this go on and on. But more investigations

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take more time. We are living with this day in and day out. We would like to see something in the near future.

Michelle Goyette – 1958 was when this all started, and our codes haven't kept up. No way our codes could keep up with environmental issues. New equipment will have a higher impact on environment.

Councilman Frolish – I have been thinking about this for quite some time. Grandfathered is in the past. The previous Boards have dealt with that issue. I ask the Board members, what size berm? If we build a 4ft berm with arborvitaes, people will still be back in here complaining. Tree buffers only reduce about 10 decibels. Wood fencing reduces about 10 decibels and concrete reduces about 50 decibels. We would need to determine the distance from the operations because noise radiates out. Question to the neighbors – He's grandfathered so how do we mitigate? What decibel levels can we live with? Trying to bring everyone together. What would you be happy with? A lawn mower is about 70 decibels. Guidelines are about 45 decibels interior and 50 decibels exterior. Normal commercial is between 70-75 decibels. We need to meet in the middle. How to get to an average of 50 decibels. We need the information on decibels. I would like to have the studies done to see where we are.

There are 2 other properties within Milton. One bigger and 1 smaller. On the largest, if we require them to move operation and fence, it would put them out of business. There is no easy way to measure vibrations. I have been researching. Visually we could work with the companies and limit the height of piles etc. The hours of operation can be a huge legal problem. Mr. Dawson is running 7:30am to noon on Saturdays. Other towns allow from 7:30 to 4 on Saturdays. Do I think that 7:30am on a Saturday is annoying? Yes it would annoy me. Could we compromise at 9am on Saturday? I thought we had this all worked out in 2018-2019. We should be headed towards getting a study done for what is coming from the property as far as noise and vibrations. The EPA have inspected. They are stricter now. All the dismantling is contained. Wouldn't worry so much about a chemical or gas spill.

Mike Kaine – Where is your expertise on chemicals and gasoline?

Councilman Frolish – All dismantling is done within a container and all spills are contained within.

Mike Kaine – There are new State regulations.

Tony Dawson – Are there new standards?

Councilman Frolish – Controlling Junk from 2014 is what I've been looking at.

Councilwoman Kerr – We received that at Association of Towns training.

Tony Dawson – I agree. If you look at my handout, road noise is usually what berms are mitigating.

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Michelle Goyette – I appreciate comparing to other companies but you have to make sure they are compatible. In 2019 there was never a compromise. Grandfathering seems to mean allowing to expand without any oversight. How much is grandfather allowing?

Councilman Frolich – Any change to Zoning must effect all 3 properties within Milton. Can't just be for PlanIt. That's spot zoning and is illegal.

John Olenik – Mentioned other operations in Town. The issue here is PlanIt. Are they following the grandfathered regulations? Need to determine if it is legally operating or not. Until that is addressed, you can't address the other issues.

Tony Dawson – I feel like we are going back and forth and getting no-where. Before we get an environmental study, is the Town interested in re-developing the land?

Supervisor Zlotnick – The Town is not interested in a land deal.

Councilman Frolich – You aren't understanding. He is talking about a PDD on his land to subdivide instead. I have been looking at other places to move the operation. I am not saying to do this, I have just been looking. The stone quarry has to reclaim the land and would be a perfect fit for your operation. We are just here to bring the parties together.

Supervisor Zlotnick – We need to wrap this up. We will put it on the agenda to get a sound company to review. Sound seems to be the biggest issue. It's a good place to start.

Michael Landis – Meadowlark Drive – I am asking for the Board to make a motion. Went through all of this a couple years ago and nothing came of it. Appreciate putting the sound ordinance on the agenda. Hope a Board member would make a motion on our report or Ryan's.

Councilwoman Kerr – What exactly would he like the motion to say?

Councilman Frolich – We are not ready at this time to make any motions.

Supervisor Zlotnick – We will have Jim Craig and William Keniry look at grandfathered.

Councilwoman Kerr – Are you looking to change Zoning?

Supervisor Zlotnick – Town Code says 50 residential and 60 commercial.

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Councilman Frolish – We need to set perimeters. How many samples? Where?

Supervisor Zlotnick – The readings at border are different from the center of the property.

Councilwoman Kerr – They will get readings from all different areas.

Councilman Frolish – I assume that the property owners on Citation Way and Meadowlark Drive won't have any issues with engineers going on their properties to take samples.

Supervisor Zlotnick – Thank you. We do and have taken these issues very seriously.

Motion made by Councilman Frolish to adjourn; 2nd by Councilman Blaisdell; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes; motion carried.

Name	Address	Email
Shannon Pine	Rock City Road	
Mike Kaine	276 Meadowlark Drive	
Polly Windels	223 Meadowlark Drive	
Michelle Goyette	81 Skylark Drive	
Mike Iacolucci	9 Russell Street	
Karen & Adam Dickinson	251 Meadowlark Drive	
Rich Stevens	148 Goldfinch Lane	
John Olenik		
Shane McClollan		
Robert LoCicero	83 Skylark Drive	
David Buffman	274 Meadowlark Drive	
Tony Dawson		
Kim White		
Karen Bishop		