

DEERPARK ZONING BOARD OF APPEALS - JUNE 17, 2010 - PAGE #
PUBLIC HEARING - SUMMIT RESEARCH INC.

The Deerpark Zoning Board of Appeals met for a public hearing for the application of Summit Research Labs on Thursday, June 17, 2010 at 7:30 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

MEMBERS

Frank Bigger, Chairman Martin Smith Jane Lord Gerald Cedrone

OTHERS

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| Mr. David Bavoso, Town Attorney | Mr. Peter Cirillo, Architect |
| Mr. Bill Greenlaw, Applicant | Mrs. Louise Maney, Adjoiner |
| Mrs. Grace Gardner, Adjoiner | Mr. Bill Wildeman, Adjoiner |

The secretary read the public hearing notice: "Notice is hereby given of a public hearing to be held by the Town of Deerpark, Orange County, New York, pursuant to Article 8 of the Town of Deerpark Zoning Law on the application of Summit Research Labs for a variance to build a 50' building, and a variance for construction of a new parking area. The application effects the following premises: Tax Map Designation: Section 38; Block 1, Lot 81.1; Zone Designation HMU. Located at 15 Big Pond Road, Huguenot, Town of Deerpark, Orange County, New York. Information on this application is on file with the Town Clerk, Town Hall, Route 209, Huguenot, New York.

The Hearing shall take place at 7:30 o'clock P.M. on the 17th day of June, 2010 at Deerpark Town Hall, located on Route 209, Town of Deerpark, Orange County, New York, or as soon thereafter as practicable. All parties wishing to be heard shall be heard at that time. By order of the Deerpark Zoning Board of Appeals. Dated: Huguenot, New York, June 1, 2010"

Frank Bigger: Okay, would you please present your case.

Peter Cirillo: My name is Peter Cirillo, architect for this project, which is a proposed warehouse facility. In order to do that, they will be replacing existing parking, so to enlarge the parking lot on the left side of the building. We are seeking a first variance from section 4.1 (f), which is maximum number of parking spaces.. Currently there are 77 (parking) spaces, and we are proposing 93 spaces. The second variance is we are seeking a variance for the building height, section 3.7 of the zoning, which states that maximum building height is 35'. They are looking to build a new dryer unit right next to the current one, so that they will look to be matched.

Frank Bigger: All right, there are points in there that you have to go over. I would suggest that you would just read what you have submitted, into the record.

Peter Cirillo: Okay. The requirements for an area variance, and Summits' response. Benefit to the applicant, if the variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community. These building heights are required for our business. The spray dryer is similar in height and construction to the existing unit located adjacent to the proposed dryer. The height of the spray dryer is required to enclose a dryer, as required by our business. It will be similar in appearance to what already is existing and

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adjacent to the proposed dryer. The warehouse height is required to allow a two level warehouse that is necessary to allow the traffic to access the warehouse from the facility. The lower level will be accessible from our warehouse facility, and the upper level will be accessible from the upper level of our existing facility. The one story warehouse will be more covered area with increased surface, which will allow internal traffic flow for our operation. Two, that no undesirable change will be produced in the character of the neighborhood, nor a detriment to nearby properties created by the granting of the requested variance. The proposed project is very similar to the existing buildings on the site, and will not detrimentally affect the neighborhood or adjacent properties. Three, whether the variance requested is substantial. The variance requested will not change the character of the site, and therefore is not substantial. The structures on site are not substantially lower than the proposed structure and the parking spaces provided are adequate for the additional parking needed. Four, whether there is any other feasible method, by which the applicant may obtain the benefit sought by the area variance, except by granting said area variance. There is not an alternative, which requires the functionality of the project, unless these variances are granted. Five, whether the proposed variance will have any adverse impact or effect on physical or environmental conditions in the neighborhood or district. There are no adverse affects to the physical or environmental conditions. Six, whether the alleged difficulty was self-created, which consideration shall be relevant to the determination of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the variance. And we require the variances, for business demand. Seven, that for every intent and purpose of this chapter, the variance if granted, is the minimum variance necessary to afford relief, to this end the Board may grant a lesser variance than applied for. This variance is the minimum necessary to expand our facility.

Frank Bigger: Any questions from the Board? Okay, I'll open it to the public and anyone want to get up and speak?

Louise Maney: I have one question. I live at 20 Big Pond Road, directly across from the factory, I don't know how to describe it, because they have two entrances. I noticed that they had cleared away the land, they had cleared the woods and so forth, and I was wondering, is this where the parking is going, where the building is going? Because when you talk about such and such, and such and such on the map, we can't visualize it, being the neighbors across the way. So, I was just wondering if they could enlighten us, as to giving us an idea as to where that would be. Now, I heard him mention that it's going to be a two story, is that going to increase the amount of truck traffic that's going to be going on that spot, by the office area there? The reason I ask, they have parking there now. I know it's not a problem, as long as they don't decide that they're going to make race cars out of them. But when they hit these containers that they have there outside, there's an extreme amount of noise, that's medal against medal. Now, is this new warehouse, from what he was saying, it would not eliminate these containers that are already there, but it may add to it eventually, because they're adding to their production line, and this dryer, is this also another chloral-hydrate dryer, or is it another chemical that they're using to dry.

Secretary: Miss, can I just have your name?

Louise Maney: Louise Maney.

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Frank Bigger: Do you want to answer her?

Peter Cirillo: I think I may, and I may not. The first question, in regard to the land, first of all, they were given permission to clear the land in this point in time, and that is where the parking lot is going to go. And we are basically thinking that the parking lot... if you're on Big Pond Road, if you're looking into the site, it will be a similar one, right next to it. So, the same width, sort of back to back parking. As far as the addition is concerned, it's two story, but what we're actually doing is, the existing building again, facing Big Pond Road, basically the floor levels don't line up, so the first story is lining up with the building on your left...

Louise Maney: Yeah, is that where the tractor trailers are parked in front of, and where the containers are parked?

Bill Greenlaw: The first floor of the proposed warehouse is... you know it as well, so I'll speak to you, the first floor of the warehouse will match up with the first floor of the last warehouse that was built. That's on the left hand side. The second floor of this warehouse, basically this warehouse is going to stretch between that warehouse and the building to the right of it. The second floor of the warehouse is going to match up with the floor of that building on the right. So, we'll be able to drive a forklift in the second floor of the upper area, and we'll be able to drive into the first floor of the lower area.

Louise Maney: All contained within your building? Or will it be going outside?

Bill Greenlaw: We do have a freight elevator that we're proposing for inside the building, so we would be able to move material between the floors within the building, and hopefully eliminate some of that traffic. But also because of problems with things like that, we also want to put in a new ramp, which will come along that warehouse, within the function. So there would be a provision to drive the forklift from the outside of the last warehouse to the building, and up along the proposed warehouse to get to that area. We anticipate less forklift traffic between the two levels, because so much of this will be done internally. Another question you had, talking about the containers that are out there. Unfortunately, the containers that are there, we don't have the space. When this warehouse is built, those containers are going to be gone. There are two box trucks, which are parked against the loading docks on the upper area. Those box trucks, we anticipate those will still be there. But I don't think that those are the ones that are creating the noise problem, typically. Those, you would not have that forklift traffic.

Louise Maney: I'm picturing this... you've got the driveway, the tractor trailers come in, and a lot of tankers and so forth go to the lower level there, near the building on the right, which has the office building, and then the dryer situation, and the warehouse and so forth. The space in between, is that where you're proposing to put this?

Peter Cirillo: Here is the plan, and you can see. Here is the east end of the existing buildings, so right now this is open area. So, this is the two story warehouse, and this is where we're saying, this floor level matches the lower level of this building. And then this floor level will

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match the other level. This is the existing dryer unit, which is here, and this is the proposed dryer unit. It's very similar in looks.

Bill Greenlaw: And where the proposed dryer unit is, you have this here. The plan is to.... that dryer is just not sized adequately for the business, so the plan is to remove that dryer and to put in a new one. The stack where the water comes from is actually higher than the existing one, and it will be a little less noisy, than what you've got now. But the other thing, is the tanker traffic. they can't drive through the warehouse, so they'll not be on the Big Pond side, they'll actually be coming in and exiting on Grange (Road), for the most part. There is one tank wagon that we get perhaps every week or so, that's still has to come up there. This would also be a hydrate dryer, so it'll be using the same material that we currently produce, and there's no difference.

Louise Maney: Is there any possible way, now that you're putting in a new dryer, is there a limitation on how high you can make it? The reason I ask is, in our house, when we take our hands across our furniture, we come up with a white powder. Now, I had this tested, years back, I have the information at home, and it did test as chloral-hydrate. At that time, I did make a statement to someone there, I don't remember who, and OSHA did come in and check, and they said that the amount was legal. But legal or not, we have to live there, we have to breathe this in. And there's sometimes when I look out my window, and I don't know whether it's fog or if it's from you guys. Now, is there anything possible that you people can do to self-contain this better.

Bill Greenlaw: That is a good question, and the dryer that we are trying to eliminate, actually, we look at it a little differently. Because to us, that material is product. And so it costs us money, if we don't capture all of it. So, the dryer that we are putting in, will actually be a higher efficiency collection system, than what we have now, so our anticipation is that we're going to have less coming out, than what we have now. I won't bore you with the details of it, but the cyclone is actually bigger, so we would expect less matter. The other thing, this will have a newer scrubber system, that's appropriately designed, and my anticipation is that it will probably be better.

Louise Maney: While you were speaking, I thought of another question, the water and so forth, that Summit uses, I'm sure you people cannot use the well water, because the water wouldn't be there for you. Or else we would totally be wiped out. Do you have access, or ways of bringing in water to use for your manufacturing process? And then is this water transported out of the area again?

Bill Greenlaw: Currently, the water that we use is pumped out of the ground, pumped out of our wells. The production that we're planning to increase here, actually is not an increase in the water usage. The reason is, currently what we do is we manufacture the pre-cursor to what we dry, the solution, on the site here in Huguenot. And those trucks that you see going back and forth right now, is actually going to our Middletown facility. So, from your perspective, we're using Huguenot water now, and we're moving that over to Middletown. This is a consolidation, we're going to be doing some other things in our Middletown facility. We don't anticipate using anymore water than we already do. Overall, truck traffic will probably be down, because

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instead of moving this material back and forth, it'll stay on site. The Big Pond Road side, your truck traffic is going to be less, except for that one that comes in once a week. That water is wastewater, all of the water that we generate on site, and all of it is taken off premises by truck. And so that water goes off site. It's not hazardous water, but it's also not anything you would want to drink. If there's something we've forgotten, I apologize.

Grace Gardner: Do you have an iron problem with the water?

Bill Greenlaw: That I do not know. We make the chloral-hydrate, and what we make is for anti-perspirant, it's the active ingredient in anti-perspirant. And there's no iron in anti-perspirant, because it would stain. And so, I don't know how much iron is in the water, but...

Grace Gardner: We had a problem with iron when we lived in the big brown house, and now in the mobile home, across the way.

Bill Greenlaw: Unfortunately, I am not a hydrologist, so I'm not sure why iron would be higher in one well, and not another. But I don't believe that we have higher iron in our water, because that would probably be an issue for us.

Frank Bigger: Okay, is there anyone else who would like to speak? Reverend?

Bill Wildeman: My name is Bill Wildeman, and I live on Grange Road, right opposite the entranceway. I know that from the past, a problem was brought up when Dow Corning enlarged the plant at that time, it came before the Board. And the width of Grange Road, the tractor trailers coming in and out of that, is not wide. I have my breakfast and I look right at that entrance, there where the trailers come in and go out. Some of them must be real special drivers, because they stop when they're coming out, and then they turn to the right, only a few go to the left. But many of them that come out of there, really don't stop, even to change gears either, and they come right out from that plant, right out onto that road. If you know the road, there is a little hill, and those coming from the north on Grange Road, they don't do 30 or 35 mph. And it's amazing to me that we haven't had a real serious accident at any time with those trucks there. I've noticed also that some of them have difficulty turning out of that, and staying off of my land. And sometimes my mailbox gets a little roughed up in the process, and sometimes even coming up, some of them park along my fence. Now there's hardly more than enough room for one car to go through there, with those tractors on there. I think that they're a problem, and my son, who is a tractor trailer driver, said to me that "if they know how to drive, they won't have a problem." But as I eat my breakfast, part of my menu is that there are those who come out, and are probably in too much of a hurry, about where they're going and how they're going to get there. They don't take into consideration the limitations there are. Now, if your tractor trailers are going up Big Pond Road then you've got a problem also with the entrance way where they're going to go in, because unless that is wide enough, they're going to be all across the road, as they are by my house. And they're on the other side of the road, as they're coming out, and they have to make quite a turn to get out there. Which means the whole body part of the tractor is blocking up that road everytime they come out of there. That I think is a concern, as far as I can see it. The second

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thing that I have, has to do with what Louise talked about. And the second thing that I have with my breakfast, is three smokestacks. And they don't come my way, but most of the time they go over Big Pond Road. And if it's a clear day, they go quite a way. But if you get a day when it's rainy, or when it's snowing, and the air pressure is down, that smoke is lower, going across there. I know also, there's a time when the DEC was brought into this, and I would like to know if you're doing anything to find out whether this will be a problem for those people along that road. And this time you can say, "well, it's just a little powder" and you can just brush it off every morning. But too many times in the past, there hasn't been enough things said about chemicals. And 20 to 30 years later we find out that what you said, was not true. They were a danger to people. So, I would hope that you would want to know from DEC, that this is something which will protect the people of the community and along that road. Thank you very much, and I would like to invite you all for breakfast, so you can see all.

Frank Bigger: Thank you Reverend, do you want to respond to that at all? I think you can answer the questions about your dryers being more modernized to catch this dust.

Bill Greenlaw: Right, let me go back to the first one. Of course, this is a Zoning Board meeting, so we're really only addressing the two issues that we're asking for variances from in the zoning. But let me address some things. We also have this project in front of the Planning Board, and it's a loading dock. Hopefully, it will alleviate some of those trucks that wait in front of your property. The other thing that this will do, is to allow us to not have to ship the liquid material to our Middletown facility. And so I would anticipate the truck traffic with this, what we call expansion, but it's actually not going to increase any truck traffic much, it may actually decrease truck traffic. But we're adding a loading dock, because right now our facility doesn't have enough loading docks to transfer material in and out, as quickly as we'd like to. So, we're hoping to reduce the turn around time, and therefore, allow those trucks in, and have room for them inside the plant, to be able to get them away from your property. The drivers, I think we're all open to suggestions on how to make those truck drivers better. I think we do have a stop sign, but we can certainly look at the signage, and try to do something with that.

Bill Wildeman: Are you talking about your stop sign that goes across your gate?

Bill Greenlaw: Right.

Bill Wildeman: Because those drivers don't pay attention to that. They got quite a ways to go, before they can get to the road. Maybe a stop sign out on the road.

Bill Greenlaw: Well, I certainly think that that is something that we have to look at. I'm not sure that it will make any difference with the driver, but certainly we can put another sign out there, and remind them that they're not out on the road yet, and they need to watch. I think these questions should be asked at the Planning Board, rather than here where we're looking for the variance for the parking lot and variance for the height of the building. And then we will be going back to the Planning Board.

Peter Cirillo: We appreciate all of your concerns, and we don't want you walking away without some sort of an understanding of what is going on here.

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Bill Wildeman: I say these things, because I know of your responsibilities, and we are thinking about the problems that were part of the past, and that means that smoke, as well as the roads. That you should be sure that everything is in the interest of the community. Now none of us are thinking in terms of you as a corporation, in making your decisions, and you should consider first the health and the welfare of the people in the community. And I hope that you people there will take these things and realize that they are not the point of the problem, they are part of the problem.

Frank Bigger: That's why they are talking here tonight, to get it out in, they know what's going on, and try to calm your minds, but it's not part of the Zoning Boards' job.

Bill Greenlaw: The other thing, just to address that issue a little bit. We did talk about putting in a higher efficiency cyclone, and so again, any material that escapes our plant is valuable, as well as of a concern to you. So, the new dryer is something that will capture more particles. The other thing is, and I know that it does look like smoke, and I certainly can understand your concern, but it is water vapor. There is some aluminum chlor-hydrate in it, and we are regulated by the State of New York. We do have to report our emissions, and we do believe that we are 100% in compliance with all of the regulations, but certainly we do want to hear your concerns also.

Bill Wildeman: Does the DEC make regular checks?

Bill Greenlaw: Unfortunately, I can't answer that question, I'm a process engineer, I'm not in on the tests. The DEC did an on site audit, I know that they have done on site audits before. We do have to file an annual emission report, although that isn't probably what you are looking for right now. And certainly we would be responsive to any kind of complaints that have been made before. Again, what I can say is that I fully believe that we do comply with the limits. And on a nice dry day like tonight, that disappears quickly. And the reason it does, is because it is mostly water vapor. It looks like smoke, but it is not.

Frank Bigger: Okay, does anyone else have any comments?

Gerald Cedrone: Yes, did you hand in the certified from the post office?

Bill Greenlaw: Yes, I have them here, who do I give them to?

Frank Bigger: Hand them to Barbara.

Martin Smith: What we're here this evening for, is the height of this new building, and the parking. And they're the things that they're asking for variances for. We're concerned about these, in order to make a determination on them. I think Mr. Wildeman should go and make his comments to the Planning Board, because they're going to be looking at some of these other issues. So, he needs to make these same statements to the Planning Board also.

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Frank Bigger: Are there any other comments or questions? Okay, I make a motion to close the public hearing.

Gerald Cedrone: I make a motion to close the public hearing.

Frank Bigger: Is there a second?

Jane Lord: Second.

Frank Bigger: Okay, we have a second. All in favor?

Gerald Cedone: Aye.

Frank Bigger: Aye.

Jane Lord: Aye.

Martin Smith: Aye.

Motion carried.

Public hearing adjourned at 8:10 p.m.

Respectfully submitted,

Barbara Brollier, Secretary