

**PLANNING BOARD
TOWN OF ROCHESTER
ULSTER COUNTY
ACCORD, NY
845-626-2434**

MEETING MINUTES OF January 8th, 2024, REGULAR MEETING OF Town of Rochester **PLANNING BOARD** held at **6:30PM** at the Harold Lipton Community Center and streamed live via YouTube.

Chair Grasso called the meeting to order at 6:30 PM and asked everyone to stand for the Pledge of Allegiance.

Secretary Wilhelm did roll call attendance.

PRESENT:

Chair Marc Grasso
Member Ann Marie Maloney
Member Rick Jones
Member Cindy Graham
Member Zachary Jarvis
Member Zorian Pinsky
Alternate Halina Duda

ABSENT:

ALSO PRESENT: Secretary Jazmyne Wilhelm, Megan Stone CPL, Greg Bolner CPL, Dave Gordon Attorney for Planning Board

APPLICATION REVIEW:

Application # PB 2023-657 **Applicant/Owner:** Twin Track Promotions/ Accord Speedway / Gary Palmer **Type:** SPA **Representative:** Gary Palmer **Zoning:** R5 **Property Location:** 299 Whitfield Rd **SBL:** 69.1-1-5 **SEQRA:** Undecided **Status:** Continued Application / PUBLIC HEARING **DESCRIPTION:** The applicant proposes to add 12 Commercial Events to their already approved Site Plan.

Chair Grasso read code 140-35 and explained the application.

Chair Grasso opened the public hearing for comment.

Rebecca Horner- "I am against the expansion of any kind of events. My main concerns are quality of life, safety, increase of noise, and increase of traffic. I am concerned that the extra events will increase noise pollution. The roads to the speedway are not built to withstand large vehicles and extra traffic. The increased litter on our roads during the racing season is unacceptable the additional events could cause an increase in litter. People come up here for peace and quiet."

Katie Finley- "I am against the application. I would like to request the public comment period remain open and the town complete all tests. The current racing events currently exceed the town

code for noise levels. The current noise levels already violate the town code. This is a residential neighborhood and is not a good place for commercial events. The state and quality code of 1983 does not reflect the current way of life. Please vote no.”

Gavin Anderson- “I am opposed to the 12 events. This would negatively impact our area. I believe the town should complete the proper noise and economic studies. Why is the board agreeing with this without the proper assessments being done. This will negatively impact us as neighbors. The town would be giving them the ability to do many more all-day events. How does the town plan to mitigate the impact on the neighboring properties?”

Gerry Fornino- “I come to the track for first responder night. The track puts on a great event for first responders, and I appreciate it. I own property near the track. On Friday nights you hear the racing and see the fireworks. I knew the track was there before I bought my properties. The Palmers are trying to support this town and create better events. I appreciate this board.”

Richard Smith- “I’ve been at the track my whole life. I looked forward to seeing all of the cars drive by every Friday. The sport has died by at least 50% in the last few years. I support this proposal. My kids love the track and seeing the cars and coming to all of the non- racing events. The Palmers do a lot for the community. They schedule 27 racing events and could do 13 more, 12 commercial events are a no brainer.”

Randy Hornbeck- “I grew up at this track. I support this motion.”

Charles Copplemen- “I have attended the speedway to see what it was about. I think the noise study for this application needs to be revisited. The current rules are not followed so this should not be approved. Things have changed in the last 30 years and people value quality of life more now. I have witnessed many trucks and trailers driving dangerously leaving the track. The humidity traps the dust and smell of exhaust. Adding more events will create more air and noise pollution as well as dangerous traffic.”

Billy Fisk- “Richard Smith covered already.”

Rob Charmello- “I agree with the Palmers, they support our community. I’ve met many great people who would do anything to help. The extra events will give people more to do in our area as well as generate more income.

Tyler White- “I support the Palmer Family and what they do for our community. Nothing is louder than racing.”

Melissa Smith- “We support the Palmer family.”

Scott Demorist- “I don’t think people realize what the Palmers do for our community. I support them. Our town has nothing to do now, and these events will help.”

Alex Burg- “I know how important the speedway is to our community. Commercial events are very different than racing events. This is going to cause daily disruptions. Commercial events are from 9 am- 11pm, that’s 14 hours of events, and then the noise of breakdown or set up from 12pm- 8 am. Traffic was bad at the previous monster truck event and created issues getting to and from our homes. Many people drive dangerously down our roads. How would this work if there was an emergency vehicle that needed to get past the traffic. Please keep this open for further review and comment.”

Jason North- “My comments were covered already.”

Marti Roberge- “Residents of Cliff Road have been good neighbors to the Speedway.

At its closest point, Cliff Road is less than a quarter mile over the hill. Some of us have lived here for over 50 years, and some for 20, 30 and 40 years. Some of us are newcomers who moved here to enjoy the quiet rural character of the Town. However, none of us complain about the noise and the traffic on race nights. We ask Mr. Palmer to be a good neighbor in return. We are

very concerned about both the potential noise and increased traffic that any additional events would create. The noise on race nights can be pretty bad. Most of us knew about the Speedway when we purchased our property and decided, as the schedule was limited, we could live with it. However, depending upon atmospheric conditions, we cannot sit on our deck and have a conversation with someone 10 feet away. On race nights, some of us intentionally leave Town. Others close our windows and doors and turn on music to drown out the noise, which lasts until 11:00 PM. We object to any more events that would destroy our peace and quiet. We are pleased that no more races are proposed and oppose any noisy or vehicular events. Presumably the twelve additional events would occur in warm weather and during the summer when we all spend the most time out of doors. Twelve events are too many if the Friday (and occasional Saturday or Sunday afternoon) race schedule remains. Additional events could disturb the peaceful enjoyment of our property both weekend nights, from June 1st through Sept. 1st. We do not object to a bar-b-que, rodeo, or other quieter, non-vehicular events, so long as the sound is muted. The decibel level limits for other events should be much lower than the race levels. Will this Board require a noise survey? Our second concern is the increased traffic: We understand that the proposed events could be open to 500 people or more, resulting in two or three hundred passenger vehicles coming and going. Will the Board limit and enforce the number of tickets or vehicles permitted at each event? Will the Town hire consultants to do a traffic study before granting the permit? Let us explain: The traffic we experience on race nights is pretty dangerous. The trailers carrying the race cars have increased in size over the years and there is little room for other drivers. The margin for error is quite small. Depending upon the event proposed, there may be trucks and trailers as well as many more cars than attend a typical race. Those of us who live on Upper Whitfield (and Cliff Road, Bakertown, etc.) must detour around Mettakahonts Road, miles out of the way, since it is almost impossible to make a left turn when the races end. At the beginning of the night, it is almost impossible to make a left onto Cooper Street. We request, if you approve this application, that you coordinate with the Town Board to provide enough Constables to direct traffic, particularly at the intersections of Upper Whitfield and Whitfield Road, where, due to the steep hill, there is lessened visibility, and at the corner of Whitfield and Cooper Street, where there is also a blind spot. This would benefit not only local residents but also the attendees. Finally, we respectfully suggest that if this Board approves the application, the permit be for one season only so that next year you will know what the impact has been upon the surrounding neighborhood as well as the entire Valley. Thank you for your consideration!"

Billy Liggan- "I come from Rosendale. The noise and traffic can be mitigated by the town. We should speak with UCPP to see what their traffic and accident surveys are. I feel for the palmer family as a fellow small business owner. This is a chance for a small business owner to thrive and survive."

Christie DeBoer- "I am concerned about the increase in traffic."

Matt Flanders- "I love the community. I've lived here full time during the pandemic. I've been to the speedway and like supporting it. I've read the December meeting minutes and do not agree with the decision to not have a noise study done. The maybes can be figured out such as the amount of people and the level of noise. Rodeo announcers can be very loud. These things can be tested. If this moves forward, I spend so much time picking up litter in the summers. Can we put something in place to fix that? I already give up my Fridays I don't want to give up my Saturdays as well."

Stuart Koonce- "We knew about the track and love the races. We've noticed a lot of things going on in the valley. We are concerned about not letting the noise pollution get away from us. I suggest we do a community wide sound study to find out what is going on every night. "

Ruth Meaker- "The noise of the races is fine. I would go crazy if there was extra noise 12 times a year. Please don't pass the proposal without more studies. Please make the studies public for our view. Please keep the public hearing open for more comments. More noise, traffic, and pollution will negatively impact our community."

Karen Atta- "We appreciate the Palmers and respect the need for more activities in our community. We as taxpayers contribute a lot of taxes to the town. This community has changed a lot in 30 years. I cannot open my windows on race nights. The decibel level is intolerable. The air pollution and noise studies should be available to us. During the monster truck event cars were parked all along my property and left a lot of trash. I respect the Palmers as a fellow small business owner. We don't complain about the Friday nights, but we deserve to be respected as well."

Nicole Bouchard- "I love the speedway. I hate that this is divided. A lot of people that are in the no side are people that live close. I have almost been run off the road. A lot of the stuff that has come to the town is too pricy for the locals. The more events that are being offered in our space make it feel like a fair ground."

Melina Hammer- "The growth is out of control and our town doesn't have the infrastructure for it. I would like to experience an event together as a community. It's just not about the noise intensity. Constant noise will be defining on a day-to-day basis. What are the different events? What if there is an emergency and everyone needed to exit through the small gate entrance? Studies need to be done and made public. I urge the board to reject the expansion."

Jim Lafferty- "I'm resistive to discuss how long I've lived here because my opinion shouldn't matter less because I haven't been here as long. I am not a fan of any of the large events in our area due to the noise. I am a freelancer and don't have a set work schedule. What is the cost to the community for these events. Sound levels aren't being enforced currently so how will they be enforced in the future. As residents we need representatives for us as the businesses do, I fell this board should act as our representatives. I think we all deserve a common safety in our community. The Saturdays after races I've walked cooper street and cleaned up litter and have seen increased roadkill. I reject this application."

T. David- "I appreciate the opportunity to share my comments concerning the expansion of Twin Track Promotions / Accord Speedway to include the addition of 12 days/nights for commercial events. I know these sorts of things can get heated or feel "personal," especially when it comes to weighing the interests of an individual running a business vs the interests of a neighborhood to have safe roads, clean air, and freedom from noise pollution. I'd hate to see this neighborhood up in arms again, when—as far as I know—we are currently living peaceably and with mutual respect and tolerance. In the past, I know the tension between interested parties led to litigation, and I think that would be very unfortunate for everyone, if we were led down that path again. I have several good reasons for opposing this development, none are personal. I don't know Mr. Palmer and bear no ill will toward him or the Speedway. But I have to oppose this new development to add 12 Commercial Events as an amendment to the existing 1992 Special Use and Site Plan Approval for Twin Track Promotions. I was sent a notice by this Planning Board about the public hearing today because we own property within 500' of the track. But I think anyone living in our area knows the track's current operations can be heard for miles around, so I think this issue affects more than the few of us within 500' of the track. At the December 11th Planning

Board meeting, it was acknowledged by one board member that, and I quote, "there is a tremendous amount of sound coming out of there anyway." So, I think we should give the neighborhood more time to come up to speed with this proposed amendment to the 1992 site plan approval, especially given the fact that so few of us were notified and the notice arrived just ahead of the winter holidays. The comment period should be held open, so that we can hear from more people who have concerns, especially those who live within 1-2 miles of the track. Although a sound study was suggested at the Dec 11th meeting, it was voted down on the basis that our neighborhood already tolerates a "tremendous amount of sound" and these 12 commercial events would be less loud. One reason the Speedway's operations are currently capped at 40 is because of the noise pollution generated by the track. The logic employed here seems to be, "If I jackhammer on Friday nights, surely you won't mind if I run my leaf-blower an additional 12 Saturdays." This reasoning is truly inconsiderate, and arguably disingenuous. The decision to cap operations at the track to 40 days and nights took into consideration the fickleness of weather. We know this because the track was allowed a limited season; and because the seasons and fickleness of weather existed in 1992, when the original site plan approval for the Speedway was granted; and fickle weather has existed in these decades since. I have no doubt that sometimes weather gets in the way of hosting an event, but weather was factored into the decision granting 40 operational days and nights to the Speedway. Two Board members at the Dec 11th meeting suggested it would be possible to host these commercial events within the allotted 40-day framework, as a compromise with the surrounding community. As things stand, the Speedway also occasionally receives special permits to operate on consecutive days for special events. In 2018, Twin Track Promotions was given the go-ahead to sell alcohol on premises, even though alcohol was a "dealbreaker" for the original site plan approval dating back to 1992. So, it isn't as though the Town of Rochester has been inflexible when it comes to operations at the racetrack. It isn't clear that this decision to permit alcohol was contingent upon an increase in insurance coverage for the track, even though drinking increases risk for attendees at the track, as well as pedestrians and cyclists on our roads. This addition of 12 large-scale commercial events hosting up to 1500 people (or more) at the Speedway—where alcohol is now served—means we will have a substantial increase in risk for a serious traffic-related incident. It is a simply a matter of time. Please do not rush or rubber-stamp an approval of this proposal. The effects of this decision will unfairly burden our neighborhood and create costs for the Town of Rochester for years to come.”

P. David- “I’ve done a lot of research on the track. I accept the track. I have a strong objection to having a fairground in my backyard. The smell of the track is more of an issue than the noise. I don’t want to change anything. I don’t want the additional events, with constant noise. I don’t want the concerts and the fairground atmosphere.”

Lenny Fornino- “The races get loud in the summer but for me it symbolizes the beginning of summer. I sing at the races, and it allows me to get out there. There is nothing in our community for young people to do. I agree with the traffic concerns. I want to stay here but do not know if I will be able to afford to. I agree with the proposed events so we can enjoy them.”

Sherry Ellsworth- “There has been one accident that I know of. There is litter no matter where you go. The races were cancelled a lot last summer and the litter was still there. The concerts at other places go later than the races. I am more worried about hitting the people walking the roads at night. I support the track because it gives people in our community something to do. The racetrack is a family and would be the first people to stop and help. Let’s help the palmers give more jobs to the community as well as more events for our children.”

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Elliott Mate- “I respect Mr. Palmer for everything him and his family do. I moved in when the track was closed and di not know it would be opened again. The town allowed the track to reopen with different noise requirements than anyone else. We had to get used to the noise. If the town allows the track to continue to violate then the town code should be voted on by the town board, so the laws apply to everyone equally. So that all people are treated the same.”

Chair Grasso moved the discussion to the board after going through all of the public that was in attendance with comments. Mr. Jones “The public hearing should be kept open. I appreciate the comments of respecting our board. Commercial events help support our town. I have questions for our attorney. The current concert venues are violating what they were approved for. We should review our allotment of concerts.

Chair Grasso “Keep in mind this is what the future plans are not what the current events are. Go to our code enforcement officer for any questions and complaints regarding any business. You can submit comments to our secretary.”

Ms. Graham “Thank you all for showing up and giving your input.”

Ms. Maloney “We need to discuss the community’s comments as a board.”

Mr. Pinsky “We should consider this application regardless of owner due to the possibility of sale to a future owner. We need to discuss a noise study.”

Ms. Duda “We need to read the comments, the proposed events, the possible noise from 12 extra events.”

Mr. Jarvis “Thank you for the comments we need to discuss further.”

Mr. Jones “We need to get the noise study reports from the last 10 years from code enforcement.”

Ms. Duda” What will the events be?”

Chair Grasso “We will discuss that at the next workshop meeting.”

Application # PB 2023-264 Applicant/Owner: Donna Bailey **Type:** LLI **Representative:** Bill Eggers / Medenbach & Eggers PLLC **Zoning:** R-2 **Property Location:** TBD Schwabie Turnpike **SBL:** 60.3-1- 18.210,220 **SEQRA:** Undecided **Status:** New Application
DESCRIPTION: The applicant proposes a Lot Line Deletion to take the existing 2 lots and combine them into 1-4 acres +/- sized lot.

Chair Grasso explained the application. Ms. Graham “We need the right to farm map note added.”

Mr. Jones made a motion to certify the lot line. Mr. Jarvis 2nd the motion. All in favor 7 yes, 0 no, 0 abstain.

Application # PB 2021-516 Applicant/Owner: DeJager Realty LLC **Type:** Major SBD **Representative:** Nadine Carney / Peak Engineering **Zoning:** AR-3 **Property Location:** Lucas Ave / Peninsula Lane **SBL:** 77.1-2-33.510 **SEQRA:** Type I (Oct 22) PB lead Agency (Dec 22) **Status:** Continued Application/ DECISION REVIEW **DESCRIPTION:** The applicant proposes a 10 - lot conservation subdivision. The new submission packet includes an updated wetland study, revised maps, SWPPP, revised lot sizes and road structure.

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Chair Grasso introduced the application. We received a request from the applicant's attorney for a request to include the HOA documents as a condition of approval. The board declined that request. Ms. Carney said she will speak with the applicant's attorney. Chair Grasso read the draft resolution to add or correct anything on the resolution as a board.

Attorney Dave Gordon said that we need the HOA bylaws. We made that clear and voted on that. They cannot make that request 3 days before the meeting. Chair Grasso read the draft resolution and discussed with the board, attorney, engineer, and the applicant's representative. A waiver for an extension of the 62-day decision rule was requested and formally granted until the March regular meeting time frame.

Application # PB 2023-725 Applicant/Owner: Dignified Dwellings LLC **Type:** Major SBD **Representative:** Nadine Carney / Peak Engineering **Zoning:** R-5 **Property Location:** TBD Rose Hill Rd, (New Private Rd TBD) **SBL:** 60.4-1-4,31 **SEQRA:** Undecided **Status:** New Application **DESCRIPTION:** The applicant proposes a 4-lot subdivision off Rose Hill Rd, which includes the formation of a private road in addition to a portion of the property is in the Town of Marbletown.

Mr. Jarvis "To disclose for the record, the applicant for this project is another real estate professional in my office. I did not have any financial benefit or gain from the sale of this property; therefore, I will not be recusing myself for this application."

Chair Grasso states that town of Marbletown will be on this application as well due to a small portion of the property being in the town. Also discussed the application and went over the sketch plan map. Ms. Carney explained the application from her perspective as well as the documents submitted. Mr. Church "We will have to advise agencies and will need to circulate intent to be lead agency."

Mr. Jones asked if this is a CEA on the towns docket and advised that we look into that with the town board to get any research or facts.

Chair Grasso said that we will need the following a site visit in the spring, well and septic locations on the map with measurements, SWPP, and Ecological study.

Mr. Jones does not like the colors of the heat map, too much road breaking up core habitat, planner review long form EAF, detailed environmental study on property provided by representative to be reviewed by planner, too many home sites on a skinny property which breaks up the core forest, What does this do to the core habitat, ECC, fire, UCPB, What impact does the private road and shared driveway have on the property. Mr. Jarvis pointed out that the proposed road goes through 3 rock walls. Ms. Carney explained that they can make small adjustments to the road, but they have to be careful due to how steep the gradient would be. Chair Grasso asked that we look at the quality of the rock walls and ways to avoid them being disturbed by the road. Mr. Jarvis pointed out that the road name is spelt wrong on the maps. Mr. Pinsky asked what the distance is between lots 2 and 3. Ms. Carney explained that it is 1200 feet and that it is a half mile of road to get to the last house. Mr. Pinsky asked that we get a wetland field assessment. Ms. Carney explained that she walked the property, there is a low area in lot 3 that is rocky, she did not make it to the vly brook. Ms. Duda asked if their will be blasting. Ms. Carney stated they did test holes and there is one rocky area, and they should not have to blast. Ms. Duda pointed out that they should limit their segmentation of the forest. Chair Grasso will send notice of intent. Ms. Carney went through the EAF. **Mr. Jarvis made a motion to send**

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notice of intent to be lead agency. Ms. Moloney 2nd the motion. All in favor 7 yes, 0 no, 0 abstain.

Mr. Jones made a motion to set ESCROW of \$5,000. Ms. Graham 2nd the motion. All in favor 7 yes, 0 no, 0 abstain.

OTHER MATTERS:

- January Workshop Meeting Discussion (Training with Attorney)

The board agreed that the Accord Speedway application and SEQRA training will be done at the January 22nd, 2024, workshop meeting.

- Local Law C 2024 – Comments and Response to Town Board

Chair Grasso stated that he needs comments emailed to him, the hours of operations need to be reasonable and withing a realistic timeframe. **Ms. Graham made a motion to only allow a 12-hour window of operation. Chair Grasso 2nd. All in favor 7 yes, 0 no, 0 abstain.**

Ms. Graham made a motion to strike section 2 #1 from Local Law C and remove definition. Ms. Moloney 2nd the motion. All in favor 6yes, 0 no, Mr. Jones abstain.

Mr. Jarvis made a motion to increase distance in f #4 to 1,000 ft. Mr. Pinsky 2nd. All in favor 6 yes, 0 no, Mr. Jones abstain.

ACTION ON MINUTES:

- Approval of December 4th and December 11th Meeting Minutes

Mr. Jarvis made a motion to approve the December 4th and December 11th minutes. Mr. Pinsky 2nd the motion. All in favor 7 yes, 0 no, 0 abstain.

ADJOURNMENT:

Mr. Jarvis made a motion to adjourn at 10:39pm. Ms. Moloney 2nd the motion. All in favor 7 yes, 0 no, 0 abstain.

**Respectfully submitted,
Jazmyne Wilhelm,
Secretary**