

TOWN OF HARPERSFIELD
RESOLUTION NO. 012 OF THE YEAR 2022

Councilmember Matthew J. Taylor offered the following resolution and move its adoption:

TITLE: MOUNTAINTOP AIRFIELD, LLC – APPLICATION FOR SITE PLAN AMENDMENT RESOLUTION
AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE FOR PROFESSIONAL CONSULTANT
SERVICES.

DATE: September 14, 2022.

WHEREAS, Mountaintop Airfield, LLC (“Applicant”), through its authorized representative, submitted an application to the Town of Harpersfield Planning Board (“Planning Board”), for a site plan amendment to add a new track on the site of its existing motorcycle training facility located on an existing 134 acre parcel of land located at 396 Zimmerman Road in the Town of Harpersfield (“Application”); and

WHEREAS, the Application documents submitted to the Planning Board includes a proposed site plan, completed application form and a Short Environmental Assessment Form; and

WHEREAS, the Applicant had previously submitted an application for a site plan amendment in 2017 to allow the use of automobiles at the Applicant’s existing motorcycle training facility located on a 134 acre parcel of land on Zimmerman Road; and

WHEREAS, the documents submitted to the Planning Board in support of its 2017 application for site plan amendment provided an analysis of noise from the existing facility and expected noise levels associated with the use of automobiles; and

WHEREAS, pursuant to Section 7.070 of the Town of Harpersfield Site Plan Review Law, the Planning Board retained a professional consultant and/or engineer to assist it in the review of an application at the Applicant’s expense; and

WHEREAS, the Planning Board retained a noise expert, Labella Associates, D.P.C. (“Labella”) to evaluate the noise study and data submitted in support of the Application; and

WHEREAS, Labella reviewed the information that was submitted as part of the Application, observed operations from the offsite locations identified by the Applicant and provided a report to the Planning Board recommending next steps, including a visit to the facility to observe on-site operations and a request for supporting information from the Applicant’s consultant so that the Planning Board could properly evaluate the noise data submitted by the Applicant; and

WHEREAS, the Applicant did not permit Labella to visit the facility to observe on-site operations or provided any of the supporting information in Labella’s report. Therefore, the Planning Board tabled the Applicant’s application in November 2017; and

WHEREAS, the Applicant has continued to allow the use of automobiles on the track without site plan approval; and

WHEREAS, the Planning Board must review the current application and the environmental impacts of the proposed use in accordance with SEQRA and intends to declare itself Lead Agency; and

WHEREAS, the Planning Board must also consider the potential impacts of the use of automobiles at the facility which has not been approved by the Town and is not part of the baseline condition for purposes of assessing potential environmental impacts under SEQRA; and

WHEREAS, pursuant to Section 7.070 of the Town of Harpersfield Site Plan Review Law, the Planning Board has the authority to hire professional consultants to assist it in the review of an application at the Applicant's expense; and

WHEREAS, the Planning Board has determined it needs the assistance of a land use attorney and engineer as it reviews this application; and

WHEREAS, pursuant to the attached agreement, the Planning Board will designate its consultant engineer and provide the Applicant with notification and a copy of any retainer agreement upon request. For its land use counsel, the Planning Board desires to engage Young Sommer, LLC to assist with its review of the application which will bill the Applicant at the non-municipal rate of \$250.00 per hour pursuant to the agreement.

NOW, THEREFORE IT IS HERBY RESOLVED, the Town of Harpersfield Town Board hereby authorizes the Town Supervisor to execute the proposed Escrow Agreement to retain professional consultants to provide legal counsel and technical assistance to the Planning Board in connection with its review of the Application under the Town of Harpersfield Site Plan Review Law and SEQRA.

WHEREUPON, this Resolution was declared adopted by the Town Board of the Town of Harpesfield.

Seconded by Councilmember Patrick F. Funk with the vote as follows:

Supervisor	James Eisel Sr.	Aye.
Councilmember	Matthew J. Taylor	Aye.
Councilmember	Patrick F. Funk	Aye.
Councilmember	Lisa M. Driscoll	Absent.
Councilmember	Erik R. Reeve	Aye.

STATE OF NEW YORK }

COUNTY OF DELAWARE }

TOWN OF HARPERSFIELD }

I, Linda E. Goss, Town Clerk for the Town of Harpersfield have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of the Town of Harpersfield at a regular meeting held on September 14, 2022, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original.

Witness my hand and seal of the Town of Harpersfield, on this 15th day of September, 2022.



Linda E. Goss, Town Clerk

Town of Harpersfield

