

Determination: Concrete Batch Plant as Light Industry Use

Date: July 8, 2026

Background

An applicant, Clemente Materials, Inc., applied to the Planning Board for a Concrete Batch Plant (CBP) located at 3260 Route 9W, Highland, NY 12528 (S.B.L. 80.3-2-8) in the Town of Lloyd. A CBP is a facility used to store materials for, mix, and deliver wet concrete to a job site. As such, the CBP has storage for various items, such as aggregate, sand, water, and cement. Discussion concerning the type of use the plant would fall under in the Zoning Code was held. The closest classification in the Use Table is Light Industry, defined in §100-8 of the Zoning Code as follows:

LIGHT INDUSTRY

Manufacture, assembly, treatment, processing, or packaging of products that does not emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries.

Proposals such as that here under consideration must be reviewed against this definition using the reasonable person standard to assess what would constitute objectionable levels, as well as whether the proposed use is permitted within the zoning of the parcel under consideration.

Light Industry Manufacturing/Processing

Concrete is made by processing various raw or previously processed materials by mixing them and adding water. Concrete is a product of that processing and is customarily “batched” by truckload for delivery to a job site. Accordingly, any proposed operation must satisfy the first element of the Light Industry definition — the manufacture, assembly, treatment, processing, or packaging of a product as well as whether the operation, as proposed, would emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries. Each of these factors is addressed in turn below.

Dust

Of all the items listed, cement has the most potential for the creation of adverse dust production.

The proposed use must be designed to contain, to the greatest extent possible, any dust associated with the storage, mixing, or transport of the various materials used in the creation of wet concrete. This may be achieved by creating areas of dust collection that use depressurization and dust collection bags to capture any possible dust at two points where dust could otherwise escape containment: (1) where the cement product is moved into the batching portion of the plant, and (2) where the concrete is ported into the concrete truck for transport to the job site. At this second point, the chute that delivers the concrete into the truck should be sealed against the intake of the truck, preventing dust from escaping.

Such measures would ensure against levels of objectionable dust beyond the property line.

Noise

Noise is another concern that has traditionally been associated with CBPs. At some facilities, aggregate is processed on site using rock crushing machines, which are very loud and create both noise and vibration. This will not be the case at this site.

Some noise would be expected from the use of conveyor systems, hoppers, and mixing units. A large portion of the mechanical equipment used in any proposed facility must be located inside structures, and enclosing the cement hopper, under which concrete trucks are loaded would further suppress noise emissions.

Based on these measures, no levels of objectionable noise are expected beyond the property line.

Smoke

No smoke is expected to be generated on site. No levels of objectionable smoke are expected beyond the property line.

Glare

No glare is expected to be generated on site. No levels of objectionable glare are expected beyond the property line.

Odor

No odor is expected to be generated on site. No levels of objectionable odor are expected beyond the property line.

Vibration

Vibration is possible due to various equipment on the property. Loaders are often used to move some materials into a transfer system. Vibration is also possible from the mechanical equipment associated with batching materials to create concrete loads. As noted above, this could be eliminated through the use of enclosed structures to suppress any noise or vibration emanating from the property.

Based on these measures, no levels of objectionable vibration are expected beyond the property line.

Additional Items Considered

The Zoning Code of the Town of Lloyd (Chapter 100 of the Town of Lloyd Ordinance) contains two definitions in §100-8 – Definitions which could be interpreted as applying to Light Industry uses. The primary definition is noted above but is repeated here for clarity:

LIGHT INDUSTRY

Manufacture, assembly, treatment, processing, or packaging of products that does not emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries.

This has been the traditional definition. Similar language existed in the Zoning Code adopted in 1974 and continued until the adoption of the Zoning Code in 2013. The 1974 Code listed concerns about smoke, dust, odor, and vibration, indicating that the Town has long anticipated potential environmental impacts in connection with Light Industry uses and has long considered impacts of this kind — if not always this exact list of factors — relevant to that classification. The Town's qualitative, impact-based approach to defining Light Industry has remained consistent since 1974, even as the specific list of factors has been refined.

A second definition reads:

INDUSTRIAL LIGHT

Includes limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities such as: beverage bottling, distribution and warehousing; contractors offices and storage buildings; including general contractors, plumbers, electricians, heating, ventilating, air-conditioning contractors, masons, painters, refrigeration contractors, roofing contractors, and other such construction occupations; distribution centers; ice production, storage, sales and distribution; laboratories for research, testing and experimental purposes; manufacture of computers, computer peripherals, electrical appliances, electronic equipment, medical instruments, and other similar products from previously manufactured components; manufacture of precision instruments and equipment, such as watches, electronics equipment, photographic equipment, optical goods and similar products; manufacturing of articles or merchandise from previously prepared or natural materials, such as cardboard, cement, cloth, cork, fiber, glass, leather, paper, plastics, wood, metals, stones and other such prepared materials; printing and publishing. [Added 10-15-2014 by L.L. No. 4-2014]

This definition was added in 2014 in connection with an addendum to the Blue Point Overlay District. It is helpful to the understanding of Light Industry that this definition includes "...manufacturing of articles or merchandise from previously prepared...materials, such as...cement..." are among the materials contemplated for "Industrial Light" uses.

Another location in the Zoning Code that describes Light Industrial uses is §100-38 – Supplementary standards for the W-G District. Under §100-38.C, Light Industrial uses are allowed in the Walkway Gateway Zone if they follow specific standards. Section 100-38.C(3) states specifically that:

Light industrial uses deemed to be high-impact uses are expressly prohibited. High-impact uses include industrial or manufacturing processes engaged in the production of any products classified under the following North American Industry Classification (NAIC) 2007 system code numbers: Veneer, Plywood and Engineered Wood Product Manufacturing (3212), except for Truss Manufacturing (321214), which shall

not be included as a high-impact use; Pulp, Paper and Paperboard Manufacturing (3221); Petroleum and Coal Manufacturing (3241); Basic Chemical Manufacturing (3251); Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing (3253); Other Chemical Products and Preparation Manufacturing (3259); Clay Product and Refractory Manufacturing (3271); Glass and Glass Product Manufacturing (3272); Cement and Concrete Manufacturing (3273); Lime and Gypsum Manufacturing (3274); Other Nonmetallic Mineral Product Manufacturing (3279); Iron Steel Mills and Ferroalloy Manufacturing (3311); Steel Product Manufacturing from Purchased Steel (3312); Alumina and Aluminum Production and Processing (3313); Nonferrous Metal (Not Alum) Production and Processing (3314); Foundries (3315); Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing (3252); Rubber Products Manufacturing (3262); and Leather and Allied Product Manufacturing (3161).

This section of the Code, although it does not apply to zones besides the Walkway Gateway Zone, states specifically that “Cement and Concrete Manufacturing” is a category of light industrial use, albeit one treated as having high-impact potential.

It is helpful that the list of uses classified as light industrial in this section includes cement and concrete manufacturing, even though that use is excluded from the Walkway Gateway Zone specifically. That exclusion makes sense given that the Walkway Gateway District is designed to be a pedestrian-friendly zone with mixed uses that act as an extension of the traditional downtown area known as the Hamlet of Highland. The Walkway Gateway District imposes a categorical, mitigation-blind prohibition on certain Light Industrial uses because it is a special pedestrian/downtown extension zone, whereas the Light Industry classification under §100-8 turns solely on the actual impact of the use at the property line — impacts for which the applicant, Clemente Materials, Inc., has proposed specific mitigation measures, and which the Planning Board would further consider during its site-plan review. A concrete batch plant is accordingly a Light Industry use appropriately located within the Town's Light Industry zone.

Determination

Pursuant to §42-4.B of the Town of Lloyd Ordinance, the Code Enforcement Officer, David Barton, interprets the Use Table as follows.

Using the reasonable person standard, the Building Department finds that the proposed concrete batch plant satisfies the definition of Light Industry. Wet concrete is a product, and batching the constituent materials to create it is a form of manufacture and processing. Based on the mitigation measures described by the applicant — including dust collection and depressurization at the cement transfer point, a sealed delivery chute at the truck-loading point, and the substantial enclosure of mechanical equipment within structures — the Department further finds that a concrete batching plant designed to protect against objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries would not violate the definition.

Section 100-38.C(3) of the Code identifies Cement and Concrete Manufacturing (NAICS 3273) as a light industrial use that is treated as high-impact, and on that basis prohibited, within the Walkway Gateway District specifically. That prohibition is a categorical, district-specific policy choice for a pedestrian-oriented zone and does not apply to or limit the Light Industry zone, where the governing test is the actual, measured impact of the use at the property line rather than its NAICS classification. The Department accordingly concludes that a concrete batch plant is an appropriate Light Industry use within the Town's Light Industry zone.

This determination is conditioned on the batch plant being constructed and operated substantially as represented to the Department, including the dust collection and depressurization systems, the sealed truck-loading chute, and the enclosure of mechanical equipment described above. Any material deviation from these representations that results in objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries shall void this determination and require re-review by the Department.