

The Town of Fenton Planning Board held a meeting on Tuesday, July 26th, 2016, at 7:00 pm, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

PRESENT:	Planning Board Members	John Eldred, Chairman Richard Armstrong, Board Member James Keough, Board Member Patrick Mullins, Board Member Brian Randall, Board Member Thomas Standard, Board Member
	Legal Counsel Town Clerk	Tina Fernandez (Hinman, Howard & Kattell) Melodie Bowersox
ABSENT:	Planning Board Member	Jason Aurelio, Board Member

There were 3 Residents present at this evening's meeting.

MINUTES TO APPROVE

The Planning Board Members were either mailed or emailed the minutes from the Planning Board Meeting held on June 28th, 2016. With no corrections to be made to the minutes from the June 28th, 2016 Planning Board Meeting, **Mr. Standard made a motion to approve the minutes**, seconded by Mr. Mullins. **Motion carried.**

VOTE: Ayes 6 Armstrong, Eldred, Keough, Mullins, Randall, Standard
Nays 0
Absent 1 Aurelio

OLD BUSINESS

Binghamton Precast – West Service Road – Site Plan Review – Jay Abbey presented his project with a site plan to the Planning Board at the January 2016 Planning Board Meeting and the Planning Board did not see anything objectionable at that time. The Planning Board did make a suggestion to the Town Board regarding the rezoning of certain parcels on the Service Road and that was done. These were changed from Ag-Res to Limited Industrial which would accommodate Jay's project. The project information was forwarded to the County for the 239 Review. The County sent the 239 Review back on July 14th with comments and recommended that the Planning Board withhold taking action until the issues listed were addressed; Jay responded to the comments. Mr. Armstrong briefly went through the comments and Jay's responses.

County – The project site is located entirely within the Existing FEMA Special Flood Hazard Area and partially within the Preliminary FEMA Special Flood Hazard Area. The Town should exercise caution in approving a project located in the Special Flood Hazard Area. The applicant should be informed of the risks of placing the project in the Special Flood Hazard Area.

Jay – This is identified in the submitted site plan, and the owner is aware of the flood hazard. Jay commented that he plans on raising the building foundation above the flood plain; the storage areas might be within it.

County – DEC and NWI Wetlands encompass a portion of the project site. The Town Planning Board should ensure that the project does not disturb the NWI wetlands without prior coordination with the United States Army Corps of Engineers.

Jay – This is identified on the submitted site plan. Jay said that of the nine acres, there are approximately two acres in the wetlands. Planning Board Members do not believe that the United States Army Corps of Engineers would be involved as long as Jay is not changing the waterway or the flood plain.

County – The Town Planning Board should ensure that the project would be consistent with the Town noise regulations and determine whether a noise buffer is required for the project.

Jay – This was identified on my January 26th, 2016 letter to the Town Engineer. Mr. Armstrong noted that this was discussed at a prior meeting. Information was received from Jay associated with the noise from Jay's business in the Town of Chenango. (General hours of operation will be 6:00 am – 5:00 pm, Monday – Friday and occasionally open Saturdays, but it is a seasonal operation so it could be changed to 7:00 am – 3:30 pm.)

County – A Stormwater Pollution Prevention Plan is required for projects that disturb one acre or more. The Town Planning Board should ensure that the post-construction maintenance, inspection, and monitoring plan for the stormwater pollution prevention is carried out for the project.

Jay – This has been discussed with the Planning Board and the Town Engineer and we will not be disturbing more than one acre; thus, there will be no need for a Stormwater Pollution Prevention Plan.

County – The project should include a landscaping plan and lighting plan.

Jay – There will be no landscaping for this project. Lighting will be provided on the four corners of the building and will be pointed downward to avoid any unnecessary disturbance with the residences across the highway. Jay commented that he did not see a need for landscaping because much of the Service Road is industrial property that does not have landscaping. (This is discussed at length later in the meeting.)

County – The project should include the elevations for the proposed building(s) and silos.

Jay – This was addressed with my March 31st, 2016 letter to the Town Engineer. However, final building drawings will additionally be submitted to the Town Building Inspector for building permit approval.

County – The project should include screening and buffering around outdoor mechanical equipment and rooftop equipment.

Jay – I do not see a specific need to screen around outdoor equipment, as this property is bordered by other industrial properties and a highway barrier. In any case it will look much more neat and organized than the existing operations.

County – The Town should take this opportunity to improve the appearance of the West Service Road by requiring appropriate fencing, buffering, site access, and use of public right-of-way.

Jay – Same response as item above.

County – The project application should address coverage of the haul materials during truck transport and delivery of cement to the storage silos.

Jay – This item is addressed currently by NYSDOT laws.

County – There should be no unenclosed outdoor storage of hazardous materials. The project should include a spill prevention plan and compliance with State and Federal regulations concerning the use, storage, and disposal of hazardous materials and chemicals.

Jay – There will be no hazardous materials stored on the site. If in the future any hazardous materials are stored on the site, we will comply with all State and Federal regulations. (Mr. Armstrong later asked if fuel would be stored on site. Jay replied that there would be a small 300 gallon diesel tank.)

County – The site plan should include the following: entire existing and proposed tax map boundaries, NWI and DEC wetlands, Special Flood Hazard Areas, drainage system, driveway dimensions, curb cuts, and directional signage, truck parking area, existing and proposed paved surfaces, adjacent land uses, area of disturbance, areas of tree removal, existing and proposed silos, any outdoor storage, and landscaping.

Jay – Everything is reasonably addressed in the submitted site plan.

In addition to this, there was one comment received from the Broome County Health Department, which stated, "I couldn't tell from the attached plans whether the on-site roads and parking areas will be paved. Pavement would greatly reduce dust generated by truck traffic at this site." Jay does not intend to pave the driveways or parking lots. He plans to use a crusher grade road bed material. Blacktop would not hold up with his type of business.

Mr. Armstrong summarized that if we look at where there are recommendations as a result of the review and the applicant does not cover those, one would be the landscaping where the site plan does not show an intent to do landscaping so the Planning Board is not satisfying the County in that respect. The other is with regard to the recommendation for paved surfaces, which then you would have to deal with the impact of storm drainage. By the fact that the applicant does not meet the recommendations of the 239 Review 100%, in order for the Planning Board to approve the application, according to NYS Town Law, it would require a supermajority vote (five aye votes) for the application to go forward.

The Planning Board discussed the two items of concern Mr. Armstrong addressed above, paving and landscaping:

- Paving – Blacktop would not be able to withstand the heavy trucks and there would still be dust accumulation with blacktop. The trucks would be carrying large items that would be made at that site that include three sided culverts that are bridge components, box culverts, bridge type deck slabs, pavement slabs, etc. Mr. Armstrong asked if there would be value in a small 'apron' off the Service Road that might be paved to avoid tracking onto the Service Road. Jay said a similar issue came up in the Town of Chenango. The business' driveway came out onto Thomas Street and was moved to the County's right-of-way which was blacktopped to give the trucks time to get rid of some of the dirt on their wheels, then they did not spread as much dirt on the highways. The biggest benefit is to put down bigger, heavier stone. Jay said he would be willing to put some concrete down around the building where there is more activity if necessary.
- Landscaping – Even though it is an industrial area and to what extent is possible, trees along the front would "soften it up." Jay did not object to adding landscaping between the two accesses in the front.

After the discussion, **Mr. Keough made a motion to approve the site plan, understanding that:**

- **the Planning Board will receive further building plans at the time, as stated in Jay Abbey's letter, when he applies for a building permit with the Town Building Inspector, with the addition of some trees along the front of the property on the West Service Road, and**
- **that the Planning Board does not feel that blacktop paving is practical in this application,**

Seconded by Mr. Randall. **Motion carried.**

VOTE: Ayes 6 Armstrong, Eldred, Keough, Mullins, Randall, Standard
Nays 0
Absent 1 Aurelio

Jay said he would email the final plans to Mr. Armstrong who will then forward them to the Planning Board Members.

Because the Town of Fenton Highway is responsible for the maintenance of the Service Road, Mr. Keough said he would contact Highway Superintendent Frank Root to let him know of the decision and that there will be truck traffic onto the Service Roads with the upcoming project. Jay had noted that the truck traffic would come and go in all different directions but he thought the majority of the trucks would come from the Chenango Valley High School area and use the West Service Road.

At 7:45 pm, **Mr. Eldred adjourned the meeting.**

Melodie A. Bowersox, Town Clerk