

The Town of Fenton Planning Board held a meeting on Tuesday, November 29th, 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
 Jason Aurelio, Board Member
 Patrick Mullins, Board Member
 Thomas Standard, Board Member
 Tina Fernandez (Hinman, Howard & Kattell)
 Melodie Bowersox
 Legal Counsel
 Town Clerk

ABSENT: Planning Board Member James Keough, Board Member
 Brian Randall, Board Member

OTHERS PRESENT: CAC Member Patricia Podrazil, one resident

MINUTES TO APPROVE

The Planning Board Members were either mailed or emailed the minutes from the Planning Board Meeting held on October 25th, 2016. With no corrections to be made to the minutes from the October 25th, 2016 Planning Board Meeting, **Mr. Aurelio made a motion to approve the minutes**, seconded by Mr. Standard. **Motion carried.**

VOTE: Ayes 5 Armstrong, Aurelio, Eldred, Mullins, Standard
 Nays 0
 Absent 2 Keough, Randall

NEW BUSINESS

Lily Lake Church Camp – Multipurpose Addition – 835 NYS Rte. 369 – Frank Skies, accompanied by Reverend Art Penird and Ralph Rose, explained that the Lily Lake Church Camp is proposing a 40'x90' multipurpose addition by the existing dining hall. Currently there is no gymnasium for the young people at the camp. McKnight & Hosterman Architects, Inc. from Ohio is the architectural firm that they are working with. Philip Tipton is licensed in New York State and will be doing the work. Frank had brought the plans to Assistant Town Engineer Rick Armstrong and Building Inspector Matt Banks prior to the Planning Board Meeting for review. Rick and Matt compiled questions for the architect and emailed the questions on November 17th, 2016. Jeff Hutcheson of McKnight & Hosterman Architects, Inc. emailed the answers to the questions back to Rick on November 28th, 2016. Rick also submitted the information to the County for a 239 Review; the Planning Board should have the County's comments and input back before the December meeting. They will need to have some fill for the slab the building will be built on and will have to either obtain it from the camp property or from outside of the camp property. Mr. Eldred asked how much fill would be needed but Frank was not sure of the amount. The building would probably be elevated by eight inches.

Frank asked to make two corrections on the email that Rick received back from Jeff Hutcheson:

- #8 '6,623 square feet which is greater than the 7,852 allowable area' should read 'less than' and,
- #10 'The modified restrooms are adequate for the additional occupant load. With a total of 415 occupants for the facility, only 2.77 toilets are required and three are

provided.' There are actually six toilets in the two restrooms, two of which are handicap accessible.

Frank also told the architect that he would like to go ahead with the canopies (#11) which would consist of an aluminum frame covered with fabric.

Mr. Eldred asked with that big of a structure, if there were enough doors; Mr. Armstrong said there was an effort to address the egress routes but before the permit is issued, this will need to be fully addressed. This will include the architect determining the 'hazard classifications' of the dining hall vs. the multipurpose addition.

The permit will be reviewed again at the December Planning Board Meeting after the information is received back from the County's 239 Review.

OLD BUSINESS

Brewery – Brendan Harder – 197 NYS Route 369 – Mr. Armstrong stated that there was an inquiry as to what impact the Brewery project would have on the river and the adjoining properties in the event of future weather issues. Griffiths Engineering, Inc., the Town's new Engineering firm, was asked by the Town Board to review the Brewery project site plan and comment on it. An email was sent out by John Mastronardi of Griffiths Engineering, Inc. specifically to Town resident Charles Praefke whose property is next to 197 NYS Route 369, future site of the Brewery project. The email was forwarded to the Building Inspector, CAC, Planning Board, and Town Board. Mr. Armstrong read the email which contained John's observations after reviewing the elevation drawing prepared by Dick Bassler for the project and visiting the project site. John summarized that "it appears that the development at 197 NYS Route 369 will have no flood/stormwater impact to your (Charles') property."

Charles addressed the Planning Board. He showed pictures of the property at 197 NYS Route 369 under water during the flood of 2005; there was three feet of water at his fence line. The flood of 2011 was higher, as the fence was completely under water. The water came in through the foundation of his property. Some of the concerns/questions Charles has in regard to the project:

- He was not notified of the project or contacted to gather input from him about previous floods that have affected his property. Mr. Armstrong said that if there is a Zoning change, that is when there is a Public Hearing and there are notifications sent to the area residents; in this case we went from an agricultural application to an agricultural application which does not require a Public Hearing or notifications. Later in the meeting, Atty. Fernandez replied that the application did not require that the Town notify neighboring or adjoining property owners; that would be done if there is a Zoning change or a use/area variance application.
- Charles asked if any flood surveys were done on the property. Mr. Eldred replied that the Engineer did a survey. Mr. Armstrong added that the Planning Board reviewed the 1981 flood plain package which the applicant must meet the requirements of because the property is in a flood plain. There is a preliminary flood plain package that will be based on events that are occurring up to 2010 to be adopted in the future and the Planning Board can encourage applicants to meet those requirements; this applicant **did** meet the 2010 requirements and the construction is to be done at a higher elevation than the 1981 flood plain package. Mr. Armstrong also said that in the flood hazard zone, anything can be developed on it if it meets the requirements of the Zoning regulations of the Municipality.

- If another flood were to occur and the water breaks on his property due to the project, Charles asked who is going to take responsibility for his loss? He noted that the Planning Board was listed as the 'lead agency.'
- How close can the pond be to his property? His well is less than 100' from where they dug the pit. Mr. Armstrong said that any water in the pond is storm water; it has been defined as a 'detention' pond.
- Where are they going to discard the remnants from the brewing of the hops? Mr. Armstrong replied that they have a sanitary/septic system downstream from the building.
- Was the Town's Comprehensive Plan amended? That would be done at the Town Board level and would have to be confirmed with the Town Board. Atty. Fernandez added that it did not have to happen in conjunction with this application being passed.
- Who oversees the project as it develops? Building Inspector Matthew Banks.
- Charles asked if the project was considered an agricultural project and the Planning Board replied yes, that is how it was presented to the Board. The property owner has stated that he is going to be growing hops and possibly other related products on site; his family has other agricultural property in the area and some of the material will come from things grown on this site and some from the family property that will be part of the brewing process.
- The new Ag laws allow for the commercial activity that he intends to do which is to distribute alcohol in the tasting areas. Charles said that he feels it will be more of a bar than a tasting area, as the site plan also shows corn hole pits, a deck that overlooks the river, etc.

Charles closed by saying that the project is going to obstruct it (speaking of the water from the river from a potential flood in the future) as it is coming through; the design will create a swale on the left hand side which will come back on his property. He also asked the Planning Board to shut down the project until he was able to get FEMA down to visit the site; Mr. Eldred said that was not going to be done – the site plan was approved at the October Planning Board meeting.

Mr. Armstrong plans to visit the site on Thursday, December 1st, 2016.

At 7:54 pm, **Mr. Eldred adjourned the meeting.**

Melodie A. Bowersox, Town Clerk