

The Town of Fenton Planning Board held a meeting on Tuesday, July 25th, 2017, 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
 James Keough, Board Member
 Patrick Mullins, Board Member
 Brian Randall, Board Member
 Tina Fernandez (Hinman, Howard & Kattell)
 Melodie Bowersox
 Legal Counsel
 Town Clerk

ABSENT: Planning Board Member Thomas Standard, Board Member

OTHERS PRESENT: approximately 65 members of the General Public which included some members of the CAC, Town Board, News Media, and Representatives of Chenango Valley School District

MINUTES TO APPROVE

The Planning Board Members were either mailed or emailed the minutes from the Planning Board Meeting held on June 27th, 2017. With no corrections to be made to the minutes from the June 27th, 2017 Planning Board Meeting, **Mr. Aurelio made a motion to approve the minutes**, seconded by Mr. Keough. **Motion carried.**

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

New Business

David Bradstreet/William Condie – 417 West Service Road – 30’x40’ Building – Prior to the Planning Board Meeting, the Planning Board Members received an “Application for Permit Review” and with it came a photograph of a structure and aerial photos indicating the site where the building would be. Mr. Armstrong distributed information from the Broome County GIS Portal that showed the parcel that is associated with the application. Some of the residences on that site do not meet the setback requirements so the Planning Board needs to work with the applicant to assure a compliant location for the building. Mr. Keough explained that the location Mr. Armstrong is referring to is the Mobile Home Park (MHP) in Hillcrest next to the Car Wash where a mobile home recently burned down. The applicant would like to put a 30’x40’ building in the MHP. It appears that some of the existing structures in the MHP are on the Railroad property. Mr. Condie said he wants to know if he can put the building (to be used as an office) on the property or does it have to remain in the MHP; he is not buying blue prints until he has the approval to move forward on it. He said he may just move a mobile home back onto the property. Mr. Armstrong told Mr. Condie if he would like to stop into the Assistant Town Engineer’s Office this Thursday, he would be able to discuss the matter further with him.

Old Business

A.L. Burke Inc. – 16 Canal Street – Mrs. Burke received a letter from the Church in Port Crane for additional parking; she gave the Chairman, Mr. Eldred, a copy of the letter. Mrs. Burke said the letter allows A.L. Burke Inc. to use three or four parking spaces for their business at 16 Canal Street, if needed. Mr. Armstrong said that the 239 Review to be submitted to Broome County will need to be filled out by Mrs. Burke and himself. He will contact her Thursday morning to schedule a time to do that. This will be submitted with a site plan that was with the parcel years ago. At this point in time, Mrs. Burke does not intend to put an additional structure on the parking lot as discussed at the last Planning Board Meeting. She said they simply want to inhabit the building as it is with no changes to be made. Mr. Armstrong stated that the County is allowed up to 30 days to review the 239 Review. He did put a request into the County describing the project so there is a possibility they may have it done before 30 days. The Planning Board is obligated to see the results of the 239 Review prior to acting on the site plan. Mrs. Burke said the closing on the building is pending until they have approval from the Planning Board. The present owner of the building at 16 Canal Street, Judy Bishop, asked if Mrs. Burke will be able to move forward once the 239 Review has been received. Mr. Keough responded no, that the Planning Board does not make a decision until they have heard back from the County. Judy asked if theoretically the Planning Board could say no to the site plan approval and Mr. Armstrong answered that a vote will be conducted and the site plan will either be approved or disapproved.

Carrier Services Group – 1151 Hoyt Avenue – Mr. Armstrong said there have been concerns expressed by members of the Town and different members of the Boards in the Town with regard to representation of the Town Board, Planning Board, and the Zoning Board of Appeals (ZBA). Hinman, Howard & Kattell has been providing legal services for the Town for some time. Also, an attorney from Hinman, Howard & Kattell was representing the applicant for Carrier Services Group (CSG). There has been a discussion about conflict of interest and initially there was an inquiry by the Town Attorney to the State Board who received an unofficial response indicating that it did not appear there would be a conflict of interest. However, based on the discussions had and the comments that have been brought up, the attorneys for the Town and the applicant will be stepping back away from this project. The Town will obtain the services of attorneys of a different firm that will assist our Town Boards, if necessary. The applicant has also gone and sought the services of another firm, so each will be represented by different firms and different individuals. Also, a lot of discussion has occurred associated with how this site will be used by this applicant and how it might be used by future applicants. It is currently zoned Residential-B. (Mr. Armstrong indicated that he is not sure why it was changed to Residential-B) The discussions recently have been associated with this parcel becoming Limited Industrial with conditions and restrictions. There are still concerns about what happens when the next owner shows up on this parcel. The Town Board has considered the possibility of developing a new zone or a new district within the Town that will have limitations as to how the parcel will be used which would be more restrictive than what we currently have in our Limited Industrial Zone. Town Councilman Rick Pray has started to put together some material for this new zone or district which includes some things that would and would not be allowable on a site such as this. (This material was distributed to the Planning Board Members.) Mr. Armstrong suggested that members of the Planning Board may want to meet with members of the Town Board to work on a draft of the new zone or district. There are Town Codes on-line that may be looked at from all over the nation to reference when working on the draft. The

Planning Board has an obligation to make some form of recommendation to the Town Board with regard to zoning on this matter, which may be to recommend that Limited Industrial is not the appropriate zone for this site.

At 7:13 pm, Mr. Eldred opened the floor up for discussion on the CSG Project.

- Nancy Lovuolo – Nancy Lovuolo is concerned about the amount of traffic, tractor trailers in the area, the hourly shifts, how much noise will be going on daily, and what kind of exposure to chemicals there will be.
- Atty. Cheryl Sacco – Atty. Cheryl Sacco, on behalf of Chenango Valley School District, said that they have serious concerns regarding the easement access through the School. There has been an application for the site plan, but there's still some use potentially – I think the site plan was modified to emergency only. We have a concern we have children going through and we don't need the truck traffic going through there. There needs to be a consideration of the school that is right there as well.
- Mr. Keough – Where do you stand with that easement right now?
- Atty. Cheryl Sacco – Atty. Cheryl Sacco said that they had not gotten very far with prior counsel. She spoke to new counsel for the applicant today who is just coming up to speed on this. She said they actually drafted the easement modification and sent it to prior counsel but they were told pointblank no. They are hoping that the new counsel will talk to the School and stop all truck traffic through that area. Atty. Cheryl Sacco said they want to clarify the easements on the property truly are for utilities.
- Mr. Keough – How do they get through the County piece? Does CSG have an easement across the County to get there?
- Atty. Cheryl Sacco – I can't answer that. I would assume so.
- Atty. Nick Cortez – Atty. Nick Cortez said he was recently retained as new counsel for CSG. Easements run for whoever would be the future owner of this parcel that is being discussed from the end of that property down what is being called Center Avenue down through the High School access road just as it was when the government owned the whole piece of property. There are easements that would get you to that point that enters onto the school property.
- Atty. Cheryl Sacco – Atty. Cheryl Sacco disagreed with Atty. Nick Cortez and said that there is a dispute as to whether the easements are appropriate. We do not need to go into the legal ramifications here. She continued that this Board has the ability to limit that access and even make that easement a reasonable condition to any approval and she asked the Board to consider that.
- Atty. Nick Cortez – Atty. Nick Cortez said that he was at the meeting to learn more about the process that has been gone through and to understand better the Board's position currently and to ask respectfully (but he is not sure if they are in a position to do this tonight) for a favorable recommendation for the zoning change. He believes that the use that is being contemplated by the applicant is the right use in a Limited Industrial Zone and that it is appropriate. Mark Parker of Keystone, who designed the site plan for CSG, was with Atty. Nick Cortez, and could answer any specific questions about the plan.
- Maureen Singer – The Town is having different legal representation as well? Mr. Armstrong answered yes. Maureen asked if the legal representation was here. Mr. Armstrong said that they are searching and he does not know if that search has come to a conclusion. Maureen asked if it was appropriate to conduct conversations without

having legal representation for the Town of Fenton. Mr. Armstrong responded that the Board was listening to what the community had to say at this point.

- Maureen Singer – You indicated that you are looking to establish new zoning, what does that entail, what is the process, and how would Broome County be involved in that? Mr. Armstrong replied that the County would do a site plan review based on what the zoning is for the parcel. The Town Board and possibly the Planning Board would establish the criteria for a new zone; the ultimate decision lies with the Town Board but the Planning Board would make a recommendation to the Town Board on how it should be zoned and what limitations should be made. The Town Board would also conduct a Public Hearing associated with the zoning change which is a formal Public Hearing.
- Maureen Singer – Does anyone know why it was changed to Residential-B?
- Town Councilman Gary Holcomb – Several years ago when the DLA was closing and it was determined that the property could no longer be used by the government, the Town was concerned about what usage that property would have. The community was built around the DLA. To control the usage, the area was cleaned up as best as possible, and the zoning was changed by the Town to Residential-B. The applicant has now purchased a portion of the property. There have been several proposals that have come before the Planning Board and Town Board over the last 13-14 years since the zoning was changed to Residential-B but none of them were acceptable. CSG's proposal, usage, cleanliness, and concerns were addressed quite well. The Town Board's intent was to change the zoning back to Limited Industrial for this project but due to the concerns that Mr. Armstrong mentioned earlier, they decided to take a step back and look at another option. Mr. Holcomb said that in terms of traffic, he did not think Residents would like to see homes built at the site because two times 80 homes would make for a lot of car traffic. The property is approximately 80-90 acres and he does not feel it is prudent to leave it to sit there and decay. The objective is to find an appropriate use and to minimize the impact on the community. Mr. Holcomb said there is a meeting tomorrow night and he suspects the subject will come up at the meeting because there was a Public Hearing to rezone the property some time ago and it is still on the table.
- Joan Giblin – I've never, ever seen as many tractor trailers as are coming up Chenango Street.
- Town Councilman Gary Holcomb – Gary Holcomb explained that this is because the last 100 yards of the Service Road is considered to be in the Village of Port Dickinson who has put a five ton weight limit on the road and is enforcing the matter. School buses and tractor trailers must use an alternative route and this includes Chenango Street, which is not a Village of Port Dickinson street but a County owned street.
- Town Councilman Mike Husar – Mike Husar also said that another issue that is happening there is that with the construction that is taking place on Route 17 at Prospect Mountain, the truckers are avoiding the traffic by getting off at Kirkwood, coming over the hill, and getting on Route 88.
- Mr. Condie – Mr. Condie shared that Google Maps takes everybody from New Jersey and New York to exit 2 to get back to Route 81 North.
- Town Councilman Gary Holcomb – Gary Holcomb also said that anyone coming from the Albany and Oneonta area using Google Maps is being told to get off the Sanitaria Springs exit and to go up Nowlan Road. The tractor trailers have difficulty making the turns and are trapped.

- Unidentified Gentleman – If this CSG takes over the building, how many tractor trailers will be going out and in?
- Town Councilman Gary Holcomb – That is to be determined but the number they told us was three.
- Unidentified Gentleman – He is concerned that there may be more than three trucks.
- Kurt Mohny – Kurt Mohny lives on Chenango Street and is looking out for his neighbors with this and similar to another project that we all know about that went from 50 trucks to 100 trucks to 150 trucks; once a company gets in there, it's unlimited. Keep the industry where our industrial park is over the hill on the Arterial Highways because there is nothing you can do to guarantee that once they get in, just like the famous gas company, they will do as they please and you will not be able to do a thing about it.
- Mr. Eldred – We are not here to discuss the gas company.
- Unidentified Gentleman – You can answer questions about the gas company.
- Mr. Eldred – No, we cannot because of the litigation.
- Several individuals complained about the Planning Board not being able to discuss the gas company situation. Mr. Eldred asked if there were any other individuals who would like to discuss the CSG project.
- Jason Pebbles – Jason Pebbles urged the Planning Board not to change the zoning because you do not know what will go in there after CSG. He agrees that CSG does not seem that opposing but what happens if you do get someone who brings in toxic materials. This community has gone through something horrible in the past where there were a lot of cancer deaths attributed to that area and he does not see why we would take the risk of something going in there in the future.
- Adrienne Irons – In the Town's Comprehensive Plan it talks about protecting that piece of land and turning it into a park with trails. What happened to that idea?
- Mr. Keough – We need to get someone to tear the buildings down. The School could have had the one building on the end but the cost to replace the roof was $\frac{3}{4}$ of a million dollars. These big buildings have no heat in them, very little power to them, and no bathrooms. A park or a national cemetery would be great ideas but the problem is, who is going to tear the buildings down?
- Adrienne Irons – Is there any grant money available?
- Mr. Keough – I am not aware of any. But that does not mean there are not any.
- Adrienne Irons – Has that been researched by the Board?
- Mr. Keough – No, not that I know of, but the Planning Board would not do that anyway. But if the buildings were torn down, the Town would have a lot more leeway on what could be done with the property. There would still be a road problem.
- Adrienne Irons – I agree with everybody else, if you change it to Limited Industrial, I'm afraid of a compressor station coming in.
- Meta Parks – You still haven't changed the zoning yet so you still have a chance to modify certain conditions of what can and what cannot be there. If you choose not to modify it and leave it Residential, what will it cost CSG? They could not come in?
- Mr. Keough – Unless the ZBA decides to give them a variance but I cannot speak for them.
- Meta Parks – What about a home for seniors in those buildings?
- Mr. Keough – You cannot put a home for anybody in there because there is no way to go to the bathroom or get a drink of water except in the old office building on the side. There are bathrooms in the CSG building. There is nothing in the great big buildings but

empty space. There is no heat and very little light. These are all great ideas but until we get someone to tear the buildings down...

- Meta Parks – She feels it is a bad spot for industry because there are so many just homes around it.
- Nancy Lovuolo – If the buildings are not equipped for homes, why couldn't they be used as storage buildings?
- Mr. Keough – Truck traffic is still a concern. Mr. Keough would like the Town Highway Department to explain what Hoyt Avenue is good for weight-wise.
- Bill Aswad – Years ago the road was stone and oil. As far as the buildings, the Fire Chief knows they take old buildings and use them for learning.
- Unidentified Lady – Did I hear you say that land could have been a cemetery?
- Mr. Keough – No, that was my idea. I just said it would be a great place for a National Cemetery because it is nice and flat but the government would have to tear down all of the buildings.
- Unidentified Lady – As easy as it is to sell a parcel of land to an industrial company, it's just as easy to work together as a group and find something that is going to be beneficial for the neighborhood, be it a park, or what a beautiful way to put this community on a map and maybe turn it into a National Cemetery or a mausoleum.
- Mr. Keough – It would cost millions of dollars to tear those buildings down, especially with the new regulations on lead paint and asbestos.
- Town Councilman Mike Husar – There was a thought at one point to turn it into a refugee center so be careful what you wish for.
- Adrienne Irons – I'm just curious as to what the Chairman of the Board's opinion is on this, as he has not spoken much tonight. I feel like everyone else is kind of leading. Mr. Eldred answered that his opinion is it is left up to the Town Board to make a decision on how they are going to zone it. Adrienne asked, "Do you have an opinion on what could happen if it remains?" Mr. Eldred answered, "I don't have millions of dollars to tear it down and change it to something different." Adrienne asked, "Do you have any concerns with it going to Limited Industrial?" Mr. Eldred answered that it's up to the Town Board what they want to do with it. Adrienne Irons said, "I'm asking you as the Planning Board Chairperson." Mr. Eldred again replied, "It's up to the Board - I'm only one person on this Board."
- Town Councilman Mike Husar – I can tell you and I think I speak on behalf of the Board, every discussion we have had about this property has been to find someone who can go in there who is quiet, who is kind to the environment, who has controlled traffic, and we are looking to limit that as much as we can. We are looking out for the neighbors.

At this point, the audience became very loud and it was not possible to hear the rest of Town Councilman Mike Husar's comments. Mr. Eldred brought the meeting back into order.

- Maureen Singer – Maureen Singer wanted to "piggyback" on what Gary Holcomb said. Number one, assuming that the community would rather have industrial business rather than homes, she personally, if there was an opportunity, would rather have 60-80 homes than a business with tractor trailers and potentially hazardous materials being recycled there. On a second item, he mentioned that they may vote on this tomorrow night at the Town Board Meeting. I'm concerned that that was even stated not having legal counsel.
- Bill Aswad – The Sheriff's Department at one time was using part of the old building there in front for their canine rescue dogs. The people who live on Hoyt Avenue complained for three months about the way the guys speed up and down Hoyt Avenue

and none of them went 30 MPH. One of the Residents called the "Superiors" and the guys still speed on the road.

- Unidentified Gentleman – Has CSG purchased the property? Mr. Armstrong – Yes, they are the current owners. Unidentified Gentleman – So they purchased this contingent upon you changing the zoning. So we are able to gain a million dollar tax revenue off that building regardless of what you do? Mr. Eldred – I would think so.

After the floor was opened to discussion, **Mr. Keough made a recommendation to the Town Board that they do not change the zoning to Limited Industrial at this site,** seconded by Mr. Mullins. **Motion carried.**

ROLL CALL VOTE:

PB Member Mr. Armstrong	Aye
PB Member Mr. Aurelio	Aye
PB Member Mr. Keough	Aye
PB Member Mr. Mullins	Aye
PB Member Mr. Randall	Aye
PB Member Mr. Standard	Absent
PB Chairman Mr. Eldred	Aye

At 7:46 pm, **Mr. Eldred adjourned the meeting.**

Melodie A. Bowersox, Town Clerk