

The Town of Fenton Planning Board held a meeting (via Zoom) on Tuesday, February 23rd, 2021, at 7:00 pm, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

PRESENT: Planning Board Members Timothy Brown, Chairman (present)
Richard Armstrong, Deputy Chairman (present)
Jason Aurelio, Board Member (present)
Michael Pipher, Board Member (present)
Patricia Podrazil, Board Member (video conference)
Legal Counsel Albert Millus, Jr., Hinman, Howard & Kattell (video conference – arrived at 7:05 pm)
Town Clerk Melodie Bowersox (present)
Engineer John Mastronardi, Griffiths Engineering (video conference)

ABSENT: Planning Board Members John Eldred, Board Member
Maureen Singer, Board Member

OTHERS PRESENT: Seven members of the General Public which included Building Inspector Matt Banks (present); Building Inspector Clerk Cheryl Mammano (present); Highway Superintendent Randy Ritter (phone conference); Bill Sullivan of Charter Communications (video conference); Ryan Ballard of Urda Engineering (present); two members of the General Public (present)

CALL MEETING TO ORDER

Mr. Brown led in the Pledge of Allegiance.

ADMINISTRATIVE ANNOUNCEMENTS

For the record, Mr. Brown announced those who were in attendance at the meeting and stated that there are enough Planning Board Members for a quorum. He also noted that there have recently been challenges with the video feed. It may drop off during the meeting but the audio feed will remain so the meeting will continue on if that happens.

MINUTES TO APPROVE

The Planning Board Members were emailed the minutes from the Planning Board Meeting held on January 26th, 2021. With no corrections/additions to be made to the minutes from the January 26th, 2021 Planning Board Meeting, **Mr. Aurelio made a motion to approve the minutes**, seconded by Mr. Pipher. **Motion carried.**

VOTE: Ayes 5 Armstrong, Aurelio, Brown, Pipher, Podrazil
Absent 2 Eldred, Singer
Nays 0

OLD BUSINESS

Tallmadge Tire – 224 East Service Road – Three New CATV Service Poles – Charter Communications would like to install three new CATV Service Poles and associated cable and equipment to serve Tallmadge Tire. Bill Sullivan, representative from Charter Communications,

was on video conference for the meeting. The Planning Board Members received the information for the project prior to the meeting for review.

- **239 Review** – The 239 Review was sent to the County because the location is within 500' of a State/County road and was received back on February 12th, 2021.
 - "The Planning Department has reviewed the above-cited case and has not identified any significant countywide or inter-community impacts associated with the proposed project."
 - The County did ask that "the submittal documents should adequately identify all tax maps where the new poles will be located" so that will be done by the Town.

(Atty. Millus joined the meeting via Zoom at approximately 7:05 PM.)

- **Comments from the Planning Board Members/Attorney:**
 - Mr. Armstrong suggested that Bill should draft the easements, one to be made with the Town of Fenton and one to be possibly made with a private property owner. The Town will review the draft once it is complete. Atty. Millus said it could be a general easement with no requirement for a survey.
 - Mr. Armstrong said he believes it would be in everyone's best interest that any new poles be placed no closer to the curb than those that are in place today. Bill said they can also put stakes in the ground for the proposed location of the poles for the Town to visibly see where they will be.
- **SEQRA Part 1** – Part 1 of the Short Environmental Assessment Form (EAF) was received prior to the meeting for review. **Mr. Armstrong made a motion for the Planning Board to assume the role of Lead Agency for a Type II Action related to the proposed project at 224 East Service Road,** seconded by Mr. Aurelio. **Motion carried.**

ROLL CALL VOTE:

PB Member Mr. Armstrong aye
PB Member Mr. Aurelio aye
PB Member Mr. Eldred absent
PB Member Mr. Pipher aye
PB Member Mrs. Podrazil aye
PB Member Mrs. Singer absent
PB Chairman Mr. Brown aye

- **Site Plan – Mr. Armstrong made a motion to approve the application as submitted contingent upon:**
 - **Charter Communications drafting an easement to be established and approved by the Town, and also recorded;**
 - **prior to moving ahead, the Applicant will verify location and impact any properties in addition to the right-of-way;**
 - **stakes being placed where the new poles are proposed to allow the Town to view, understand, and accept,**

seconded by Mr. Aurelio. **Motion carried.**

ROLL CALL VOTE:

PB Member Mr. Armstrong aye
PB Member Mr. Aurelio aye
PB Member Mr. Eldred absent
PB Member Mr. Pipher aye
PB Member Mrs. Podrazil aye

PB Member Mrs. Singer absent
PB Chairman Mr. Brown aye

Atty. Millus asked Bill to copy him in on any emails pertaining to the easements.

NEW BUSINESS

Beer Tree – NYS Route 369 – Proposed Kitchen/Addition to Building – A preconference was held with the Beer Tree Owners and John Mastronardi of Griffiths Engineering, Assistant Town Engineer Rick Armstrong, Mr. Brown, Building Inspector Matt Banks, and Building Inspector Clerk Cheryl Mammano to review the Site Plan and Architectural Drawings which were distributed to the Planning Board Members. The 239 Review was sent to the County on February 22nd, 2021. The anticipation is to review the project at the Planning Board Meeting on March 30th, 2021. Ryan Ballard was present on behalf of Urda Engineering.

- **Comments/Questions from the Planning Board Members/Engineers:**

- Matt Banks noted that the smoker was not identified on the Site Plan. Mr. Brown discussed this with Engineer Alex Urda who said it would be in close proximity to where it is located now but they have to work out where the foot traffic is going to go because the new building will be 20' x 50' which is a bigger footprint than the current trailers.
- John Mastronardi shared that the original Beer Tree Site Plan initiated the SWPPP followed by a second amendment when a deck and an addition off the back of the building were done. This third amendment will address the kitchen expansion. Since the SWPPP has been open and active, amendments are allowed to be made to the SWPPP.
- Ryan said that everything was remeasured last week and there did not seem to be any adverse impact anywhere. Ryan also said that the trailers when they are not being used will be moved to the other side of the building, but they will not affect any of the parking spots.
- Mr. Brown pointed out that to the left on the Site Plan there is an area blocked off for food trucks/trailers. Under the new Ag and Markets Law and the New York State Liquor Authority for farm breweries, the operation can have another business (in this case, a food truck/trailer vendor) come on their property.
- No additional parking spaces are needed, and no parking spaces will be lost for this project.
- Mr. Pipher and Mrs. Podrazil suggested that it would be beneficial to receive an enlarged plan of the area being referenced for the proposed addition. Mr. Pipher is concerned about the propane tanks being so close to the walkway that is frequently used. There needs to be definitive parameters; for example, does the finished floor match the finished floor of the building?
- Mr. Pipher – Where is the grease trap going to be located? Ryan said it will be just outside of the kitchen. Mr. Pipher asked that it be located and detailed as it relates to the walkway.
- Mr. Pipher – Where will the oil waste be dispensed? Ryan will have to check into this.
- Mrs. Podrazil – Is a new fence being installed? Ryan said no. There is a split rail fence there now.

- Mrs. Podrazil – Is there a smoker that is part of the food truck? Mr. Brown said the smoker is to the left of the food trailer and they have to determine where it is going to be moved.
- Mrs. Podrazil – Are the trailers going to stay? Mr. Brown said that the Applicant indicated in the preconference meeting that the trailers were going to be replaced by the new kitchen and eventually sold. During the construction, they will be relocated to the right side of the building. Operation will be out of one of them until the kitchen is ready. (Later in the meeting, Mr. Armstrong said that there was some hesitation in the preconference meeting about what would transpire with the food trailers once the kitchen was complete. Matt Banks said that the food trailers should not be kept on the Beer Tree property at the completion of the project. This could be a stipulation added into the Site Plan approval.)
- Building on Mr. Pipher's comments, Mr. Brown expressed to Ryan that with food trucks and external propane tanks there is concern for the safety of the people.
- Mr. Pipher asked that the location of the portable bar be confirmed on the Site Plan. (Mrs. Podrazil asked if he was referring to the pagoda style building and the answer was yes.)
- Matt Banks stated that the new propane tanks should be 2' above the base flood elevation or strapped down to secure them.
- Ryan said that the Site Plan will be enlarged to accommodate the Planning Board's request and that if there are any further comments or questions, they may be sent to Alex Urda.

INFORMATION SHARING

Update: New Leaf Cider Co., LLC – 80 Depot Hill Road – Tax Map #113.04-1-38.1 – Farm Cidery – The SWPPP is being finalized and another preconference meeting will be held between the Town and the Applicant and the Applicant's Engineer to see where they are at in the application process. At a recent preconference meeting, they suggested two scenarios at Nowlan Road and Depot Hill Road. Depending on which parcel will best support their septic system and the flow of it, if it is more cost effective for them to cut the road versus to go under the road, they have offered to improve the intersection at their expense. This would be beneficial to trucks so they would not get stuck in that turn. The Town has some challenges with stormwater runoff downstream. If they end up using the parcel across the road, they have explored options to help that downstream flow. Mr. Brown will inform Highway Superintendent of the next meeting when these scenarios will be discussed in detail again. Greg Beagell may reach out to Randy to discuss it with him as well. Mr. Brown said the Planning Board will very likely host a Public Information Sharing Meeting on this project to keep the neighborhood informed.

JAM CAM, LLC – 227 West Service Road – The Zoning Board of Appeals (ZBA) met with the Applicant and determined that the storage of empty pods was a permitted use at 227 West Service Road. The Applicant was mailed the decision. Mr. Brown called and left the Applicant a message to contact the Planning Board to move forward with a Site Plan, Certified Elevation Plans, etc. but he has not heard back from him yet. (He may be out of town.)

NEXT PLANNING BOARD MEETING

The next Planning Board Meeting is scheduled for Tuesday, March 30th, 2021, at 7:00 pm.

ADJOURNMENT

At 7:41 pm, Mr. Aurelio made a motion to adjourn the meeting, seconded by Mr. Pipher. **Motion carried.**

Melodie A. Bowersox, Town Clerk