

The Town of Fenton Planning Board held a meeting on Tuesday, February 25<sup>th</sup>, 2020, at 7:00 pm, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

**PRESENT:** Planning Board Members Timothy Brown, Chairman  
Richard Armstrong, Deputy Chairman  
Jason Aurelio, Board Member  
John Eldred, Board Member  
Michael Pipher, Board Member  
Patricia Podrazil, Board Member  
Engineer John Mastronardi (Griffiths Engineering)  
Town Clerk Melodie Bowersox

**ABSENT:** Legal Counsel Tina Fernandez (Hinman, Howard & Kattell)  
Planning Board Member Maureen Singer, Board Member

**OTHERS PRESENT:** 15 members of the General Public which included Town Board Members Gary Holcomb, David Gunster, and Tom Moss; Zoning Board of Appeals (ZBA) Member Mike Ward; Building Inspector Matt Banks; Building Inspector Clerk Cheryl Mammano

**CALL MEETING TO ORDER**

Mr. Brown led in the Pledge of Allegiance.

Mr. Brown asked for a Moment of Silence in memory of Town Resident Brian Randall who passed away on February 17<sup>th</sup>. Brian served on the Planning Board for over 20 years.

**ADMINISTRATIVE ANNOUNCEMENT**

**Planning Board** – With a full Agenda and three major projects to review, Mr. Brown reminded those in attendance of the New York State Town Law Subsection 271 regarding the creation of the Planning Board, its roles, and responsibilities.

**MINUTES TO APPROVE**

The Planning Board Members were emailed the minutes from the Planning Board Meeting held on January 28<sup>th</sup>, 2020. With no corrections/additions to be made to the minutes from the January 28<sup>th</sup>, 2020 Planning Board Meeting, **Mr. Aurelio made a motion to approve the minutes**, seconded by Mr. Pipher. **Motion carried.**

**VOTE:** Ayes 6 Armstrong, Aurelio, Brown, Eldred, Pipher, Podrazil  
Nays 0  
Absent 1 Singer

**OLD BUSINESS**

**Garage/Hobby Shop (Workshop) – 336 Steed Road** – Mr. Brown posted large plot plans of the proposed garage/hobby shop at 336 Steed Road and the Planning Board Members were emailed all of the Applicant’s information prior to the meeting. Applicant Nick Scarnato explained that he would like the project for retirement and hopes to pursue a hobby of restoring personal cars.

- **SEQRA Part 1** – Part 1 of the Short Environmental Assessment Form (EAF) was received from the Applicant prior to the meeting for review. **Mr. Armstrong made a motion to list this project as a Type II Action**, seconded by Mr. Aurelio. **Motion carried.**  
**ROLL CALL VOTE:**  
PB Member Mr. Armstrong aye  
PB Member Mr. Aurelio aye  
PB Member Mr. Eldred aye  
PB Member Mr. Pipher aye  
PB Member Mrs. Podrazil aye  
PB Member Mrs. Singer absent  
PB Chairman Mr. Brown aye
- **239 Review** – This project did not require a 239 Review by the County.
- **Site Plan Review** – Mr. Brown pointed out on the large plot plan that the parcel next to the property of the proposed project has a pond that is on the National Wetlands Inventory. The rule of engagement is that if the disturbance of land is less than one acre, which it is, and if the project that is taking place is outside of a minimum of 100 feet from the pond, then there is no adverse effect. In this case there is no impact and no additional permitting required.
  - Questions from the Planning Board:
    - Mrs. Podrazil asked if anyone was going to be shopping at his 'hobby shop.' Nick said no, it is just a workshop.
    - Mr. Pipher asked if there were any floor or trench drains within the building. Nick said there are none planned for this building. Mr. Armstrong asked Building Inspector Matt Banks if there was a requirement for a drain in a garage structure. Matt said that there is a requirement for a drain or for the floor to be sloped towards the opening; this structure will be sloped towards the opening.
  - **Mr. Armstrong made a motion to accept the Site Plan as submitted**, seconded by Mr. Aurelio. **Motion carried.**  
**ROLL CALL VOTE:**  
PB Member Mr. Armstrong aye  
PB Member Mr. Aurelio aye  
PB Member Mr. Eldred aye  
PB Member Mr. Pipher aye  
PB Member Mrs. Podrazil aye  
PB Member Mrs. Singer absent  
PB Chairman Mr. Brown aye

**Beagell Farm – The Venue – 81 Depot Hill Road** – Initially the project review began in March 2019. An Area Variance was approved by the ZBA. Greg Beagell, father and representative of Applicant Kyle Beagell who was not able to attend the meeting tonight, said that they need parking closer to the Venue so that the people are not having to cross Depot Hill Road. It is stressful for them because they must stand and direct the traffic for safety precautions.

- **239 Review** – A 239 Review was submitted to the County for a Site Plan Review and an Area Variance. The County did not identify any significant countywide or inter-community impacts associated with the proposed project.
- **Questions/Comments from the Planning Board:**

- Mr. Brown – In relation to the pedestrian access coming off the parking lot, will there be barriers to keep people from entering the wet area? Greg said there is brush there and he does not believe people in wedding attire are going to wander off into this swamp area. He said they could put up ropes that they often use with their traffic control.
- Mr. Aurelio – Will there be any signage associated with this? There will be a small parking lot sign on their property to direct people where to park.
- Mr. Pipher – Mr. Pipher suggested adding posts with handicapped signs and some form of a stop sign at the exit in case there is no staff available to direct traffic.
- Mr. Armstrong:
  - Is there going to be a bridge across the ditch? Just a pipe.
  - How many cars will the parking lot hold? Approximately 90. Mr. Armstrong said the website shows they can handle 200 guests and the ability to expand the tent structure for additional numbers; his concern is where would the overflow parking be. Greg said in the old parking lot. Mr. Armstrong said that property is listed with a different owner's name. In the Town Code there is not allowance for parking on one site to serve a second site so there needs to be a resolution to this issue.
  - Mr. Armstrong noted that the Town Code requires a 200' separation between a property line and any clubhouse or building. The Venue's barn is about 125' away and the ZBA did allow for this difference in distance; however, he is concerned about the tent which is a structure and is within 25'-30' of the neighbor's property. Mr. Armstrong expressed his concerns (distance, noise, social) about current and future owners of the parcel adjacent to the Beagell property with the tent being so close to this adjacent parcel.
  - Mr. Armstrong said the website indicates that insect fogging may be done prior to an event. He asked if they had individuals who had Pesticide Applicators Certifications to conduct the insect fogging. Greg said his son bought a fogger at Agway and did the fogging himself. Mr. Armstrong said there needs to be certification for this at a Commercial Business.
- Mr. Eldred expressed his concerns that he would not want to live next door to this property with the events that are being held and he does not see where it is covered in the Agricultural Residential Zone. He said that one of the neighbors had attended a Town Board Meeting and was very upset about the Venue. Mr. Holcomb and Mr. Moss said there were meetings between this neighbor and the Beagells. Mr. Moss attended one of the meetings and he said that the neighbor's concerns were addressed.
- Mr. Aurelio asked if the Planning Board could get the Pierces intake on the project, as they own the parcel adjacent to the Venue property. John Pierce said that he was fine with the ZBA's decision. He asked for clarification on where the parking lot was going to be located. (It will be further away from his property line.) Elaine Pierce asked about the insect fogging and Greg said that he is going to eliminate this; he was not aware of the certification requirement. She also asked if the cars would be going in and out of Nowlan Road to access the parking lot. Greg answered yes.
- **SEQRA Part 1** – Part 1 of the Short Environmental Assessment Form (EAF) was received from the Applicant prior to the meeting for review. Mr. Armstrong noted that

question 13. a. 'Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?' should be answered 'yes' not 'no' because it is on the National Wetlands Inventory.

- **Lead Agency – Mr. Armstrong made a motion for the Planning Board to assume the role of Lead Agency for an Unlisted Action related to the Venue,** seconded by Mr. Pipher. **Motion carried.**

**ROLL CALL VOTE:**

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

- **SEQRA Part 2** – Mr. Brown addressed the completion of Part 2 of the Short EAF with the Planning Board Members. All questions were answered: 'No, or small impact may occur.'
- **SEQRA Part 3** – Part 3 of the Short EAF is the "Determination of Significance." **Mr. Armstrong made a motion to declare a Negative Declaration with the belief that this project will not have a significant adverse impact on the environment,** seconded by Mrs. Podrazil. **Motion carried.**

**ROLL CALL VOTE:**

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

- **Site Plan – Mr. Pipher made a motion to approve the Site Plan with the following conditions: addition of handicapped signage, installation of a stop sign at the exit of the parking lot, no pesticides used unless done by a certified pesticide applicator,** seconded by Mrs. Podrazil. **Motion failed.**

**ROLL CALL VOTE:**

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

With a failed motion, Mr. Brown said that he would be in contact with the Town's Attorneys to confirm that the Applicant has the right to file an Article 78 Action. There may be a recourse for the Applicant to approach the Town Board first but again, Mr. Brown needs to confirm this with Legal Counsel. Mr. Armstrong said there is also an opportunity for the Applicant to amend the Site Plan.

There was a brief discussion about what else could be done and Mr. Armstrong asked Greg if he would find himself in a position this evening to propose maintaining the separation distance (of the tent from the adjacent property). Greg said he would have to do some measurements, but he felt he could get to at least 100' by removing some trees between the pond and the boundary line. Having said that, **Mr. Armstrong made a motion to accept the Site Plan with the following conditions: make a reasonable effort to keep people from entering the wetlands, addition of handicapped signage, installation of stop sign at the exit of the parking lot, no pesticides used unless done by a certified pesticide applicator, maintain a minimum of 125' distance from adjacent properties to the location of the activities, seconded by Mr. Pipher.** Prior to the vote, Mr. Aurelio stated that he preferred an amended Site Plan from the Beagells. **Motion carried.**

**ROLL CALL VOTE:**

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

**Binghamton-Ithaca Express, Inc. – Storage Building for Vehicles – 287 West Service Road** – Applicants John Cole and Keith Cole were in attendance as well as Engineer Alex Urda who worked on their Site Plan.

- **Site Plan Review** – Alex displayed a Site Plan and explained that originally a stand-alone pole barn was going to be put on their property but after meeting with the Planning Board and discussing the impacts to the Floodplain, it was decided to change to a 36' x 60' addition to the north end of the existing building. This will provide them with many benefits as well as limit the footprint within the Floodplain. Inside the building the finished floor elevation will be 856'; the other building has a finished floor of 855'. There will have to be a pedestrian transition for access between the two. This will put the project two feet current code above the Floodplain. Alex pointed out that 75 cubic yards of fill will be used to prepare the building site. The use of the storage building is an approved use in the Zone and the setbacks are met. Alex suggested it to be a Type II Action. Mr. Brown added that the storage building is to secure and protect the Coles' tractors due to fuel theft and snow.
- **239 Review** – Mr. Brown said that the 239 Review was received back from the County and their recommendation was to deny the project as submitted because of it being located in the Floodplain; however, there are guidelines that permit it and those guidelines have been met. Also, Section 81 of the Town's Code, Flood Prevention Plan, has criteria that our Flood Prevention Administrator, Matt Banks, will insure are met.
- **Questions/Comments from the Planning Board and other Town Officials:**
  - Mrs. Podrazil – Mrs. Podrazil asked where the building originally was going to be located. Alex pointed it out on the displayed Site Plan, which was not too far from the now proposed location. Mrs. Podrazil said that she assumes the 239 Review would still be applicable then.
  - Mr. Pipher – In reference to fuel tanks, drainage, trench drains, etc. Alex said there will be no change in operations.

- ZBA Member Mike Ward – Mike said that the ZBA granted a Use Variance for the project so that more than two commercial vehicles would be allowed to be stored in the building.
- Mr. Armstrong – In the early proposals, there were one or two overhead doors on the rear of the building; this shows just the forward ones, so what is the intent? Keith Cole said the plan is to have two doors on each end.
- Matt Banks – Matt Banks asked Alex if the calculations of exchanging dirt/gravel from one area and moving it to the site represent HEC-RAS. Alex says it is not a HEC-RAS but mass balance calculations.
- John Mastronardi – John asked if there was a billboard on the north end of their property. Mr. Armstrong said that the company that owns the billboard is aware that they will lose the location for the billboard due to the Coles' new structure.
- **Aquifer Protection Permit** – The Planning Board approved the Aquifer Protection Permit for the project in October 2019.
- **SEQRA Part 1** – Part 1 of the Short Environmental Assessment Form (EAF) was received from the Applicant prior to the meeting for review. Mr. Armstrong noted that question 3 regarding the total acreage of the site of the proposed action and acreage to be physically disturbed was filled in as one acre but should be less than one acre; the Applicant indicated ¼ acre. **Mr. Armstrong made a motion to list this project as a Type II Action**, seconded by Mr. Aurelio. **Motion carried.**

**ROLL CALL VOTE:**

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

- **Site Plan – Mr. Eldred made a motion to accept the Site Plan as submitted with the intent for two overhead doors on the rear of the structure**, seconded by Mr. Armstrong. **Motion carried.**

**ROLL CALL VOTE:**

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

**DRAFT #2, Local Law – Solar Energy Regulation – Renewable Solar Photovoltaic Energy Systems (Large Scale Solar Farms)** – The Town Board asked the Planning Board to draft a proposed Local Law for Solar Energy Systems. The Planning Board discussed the second draft that was provided to them from Mr. Brown. Items discussed included:

- addition of more than just photovoltaic energy systems, such as Thermal Solar Energy,
- establishment of a District rather than an additional use to the Town's Ordinance,
- spot Zoning,
- notification of Fire Departments within the Regulation and Applications,
- umbrella insurance requirements,

- grandfather provisions,
- addition of pollution and spill prevention control to the Regulation, and
- grammatical/typographical errors.

Mike Ward asked if the ZBA could receive copies of the drafts that the Planning Board is working on. Mr. Brown said that he will email the drafts to the Chairman of the ZBA who can then forward them to the rest of the ZBA Members.

### **NEW BUSINESS**

**DRAFT #1, Local Law – Mobile Food Vending (Food Trucks, Food Trailers, Food Carts)** – A first draft was emailed to the Planning Board Members for review. Mr. Brown asked the Planning Board Members to further review it and provide him with feedback via email.

### **ADVISORY INITIATIVES**

Mr. Brown said there are several initiatives that the Planning Board is considering. They will be on the Agenda each month to keep visibility of them and to advise the Planning Board and Town Officials of the status of them. They represent drafts of Local Laws. The anticipated order of the initiatives is as follows:

- **Tobacco Free Outdoor Policy (Broome County Health Department) – Tobacco, Vaping and other similar Tobacco Based Products** – This is an initiative from the State. A template has been provided by the NYS Department of Health and the Broome County Department of Health. Also, the Hillcrest Civic Association has expressed an interest to support and adopt this policy.
- **Storage Container Regulations** – A draft for Storage Container Regulations is about 50% complete. This initiative originally commenced back in 2015 – 2016.
- **Tent Canopy and Temporary Membrane Structures Guidelines** – Mike Ward asked if temporary structures for the covering of hay would be considered in these guidelines. Mr. Brown said this had not been considered.
- **Wind Energy Regulations**

### **NEXT PLANNING BOARD MEETING**

The next Planning Board Meeting is scheduled for Tuesday, March 31<sup>st</sup>, 2020, at 7:00 pm.

### **ADJOURNMENT**

**At 8:44 pm, Mr. Eldred made a motion to adjourn the meeting,** seconded by Mr. Pipher.  
**Motion carried.**

Melodie A. Bowersox, Town Clerk