

The Town of Fenton Planning Board held a meeting on Tuesday, July 27<sup>th</sup>, 2021, at 7:00 pm, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

**PRESENT:** Planning Board Members Timothy Brown, Chairman  
Jason Aurelio, Board Member  
Leslie Boulton, Board Member  
John Eldred, Board Member  
Michael Pipher, Board Member  
Patricia Podrazil, Board Member  
Maureen Singer, Board Member  
Legal Counsel Albert Millus, Jr., Hinman, Howard & Kattell  
Town Clerk Melodie Bowersox  
Assistant Town Engineer Richard Armstrong

**ABSENT:** Engineer John Mastronardi, Griffiths Engineering

**OTHERS PRESENT:** Building Inspector Matt Banks

### **CALL MEETING TO ORDER**

Mr. Brown led in the Pledge of Allegiance.

### **ADMINISTRATIVE ANNOUNCEMENTS**

Mr. Brown welcomed new Planning Board Member Leslie Boulton, who was then given the Oath by Town Clerk Melodie Bowersox. Leslie said that she is glad to be part of the Planning Board and hopes to serve the Town of Fenton well.

### **MINUTES TO APPROVE**

The Planning Board Members were emailed the minutes from the Planning Board Meeting held on June 29<sup>th</sup>, 2021. With no corrections/additions to be made to the minutes from the June 29<sup>th</sup>, 2021 Planning Board Meeting, **Mr. Aurelio made a motion to approve the minutes**, seconded by Mrs. Singer. **Motion carried.**

**VOTE:** Ayes 7 Aurelio, Boulton, Brown, Eldred, Pipher, Podrazil, Singer  
Nays 0

### **NEW BUSINESS**

#### **Town Board Resolution #2021-12 – Resolution for Road and Traffic Advisory Report**

– Mr. Brown read the draft of Resolution #2021-12 made by the Town Board (to be approved at the August Town Board Meeting) as follows:

**WHEREAS**, it has been observed that, over the last few years, that there has been an increase in truck traffic over Nowlan Road, Stratmill Road and Depot Hill Road, and

**WHEREAS**, signage indicating truck traffic, especially tractor-trailer trucks, are not allowed, has not been very effective, and

**WHEREAS**, there is new development going on in those areas and new warehousing at the far end of Stratmill Road, and

**WHEREAS**, it is understood that a traffic and road study in this area is being planned by the Binghamton Metropolitan Traffic Study Group (BMTS),

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Fenton Planning Board prepare an Advisory Report in coordination with the BMTS on traffic and conditions in this corridor.

- There has been a lot of talk about the increase in truck traffic in the area of Nowlan Road, Stratmill Road, and Depot Hill Road. The BMTS has scheduled to do a traffic study October – December of 2021 and the Town has asked that our areas of concern be integrated into that study. The Town’s short-term goal with the BMTS is to obtain traffic data and to be able to express this data in measurable terms. Once data is obtained, then that can be studied to identify what needs to be done to assist with the situation.
- Mr. Pipher mentioned at a recent Planning Board Meeting that the traffic may continue to increase due to the consolidation of FedEx and the addition of Amazon toward the end of the Stratmill Road area. (Mr. Brown noted that projection of traffic generation for these businesses would be covered in their application with the Town of Kirkwood.) Mr. Armstrong said that his expectation is that once the distribution centers are in place and fully functional, it would be time to look at the traffic flow again.
- Also, the Town Board is wondering if anything can be done about truck traffic in terms of GPS taking trucks into that area. The New York State Department of Transportation (NYSDOT) may be a resource to assist with this issue.

### **INFORMATION SHARING**

**Disposition of Mining District(s) – Reference Town of Fenton Code, Chapter 150 Zoning Article III District Regulations §150-20 Mining District (M)** – Mr. Brown has been researching the Town’s 15 Mining Districts. The Planning Board has responsibilities relating to them. He asked the Planning Board Members to read the section of the Town Code referring to Mining Districts to familiarize themselves with those responsibilities for upcoming decisions to be made. Presently the only active mine in the Town is owned by the Town and is located on Pigeon Hill Road. Mr. Brown said that when they become inactive, then a reclamation plan is usually done.

- Atty. Millus stated that the Mining District Code has been in place for many years and that a Certificate of Abandonment is not necessary if mining has not been done for a year, as it is no longer considered a Mining District. However, the Planning Board can issue the Certificate of Abandonment to make it more official.
- A question was raised as to whether or not any Reclamation Bonds are still in place. This may need to be checked into.
- Mr. Armstrong has concerns about inactive mines being used for storage particularly in an Agricultural Residential Zoning area. Atty. Millus said this is a completely different issue but that it needs to be addressed at some point because it is not an allowed use.
- There was a brief discussion as to what should be done with the NG Advantage site on the Service Road.

**Abbey Business Properties – West Service Road** – Mr. Brown provided the timeline for what has been happening with the Abbey Business Properties on the West Service Road.

- October 2020 – two violations issued by Building Inspector Matt Banks to Jay Abbey; one was for fill being placed in the floodplain (no permit was obtained from the Town); one was for special clean fill (no approval was granted by the Planning Board); a 'Stop-Work Order' was also issued.
- Jay Abbey hired Keystone Engineering.
- A letter was sent to Abbey Business Properties on November 20<sup>th</sup>, 2020 giving them two options to resolve the violations at 99 West Service Road. Matt showed a copy of this letter to the Planning Board. On December 7<sup>th</sup>, 2020, Jay Abbey replied and chose Option 2 which includes acquiring Site Plan Approval (from the Planning Board), a Floodplain Development Permit, an Aquifer Development Permit, a Special Clean Fill Development Permit, and submittal of a Stormwater Pollution Prevention Plan (SWPPP).
- January 2021 – phone conference between Town representatives and Jay Abbey with his representatives to begin process of resolving violations; further information requested by the Town including elevation drawings.
- January 26<sup>th</sup>, 2021 Planning Board Meeting – Information Sharing – Mr. Brown read the minutes from this meeting: "The Town was presented with three projects by Abbey Properties, LLC. Matt Banks said that in late October there was fill activity at 99 West Service Road where Plant #3 is located. The fill was placed in the floodplain without a permit; Matt issued a 'Stop-Work Order'. Around the same time, the owner of Abbey Properties, LLC, Jay Abbey, had purchased Thermo-King and would like to have a vehicle maintenance facility there. (Mrs. Podrazil asked what the facility would entail. Mr. Brown said it would be maintenance of vehicles and forklifts.) Jay would also like to move fill into this property. He would like to incorporate all these projects into one Site Plan application. Jay is having his architect from Keystone develop the Site Plan and elevation documents to accompany the application. Mr. Brown said there has been discussion with the NYS DEC about the fill activity because a portion of that fell within the wetlands area. There have also been legal discussions due to the violation. Mr. Brown anticipates a pre-submittal conference will be held the beginning of February with Jay before the formal application is submitted".
- Two weeks ago – received Application, Site Plan, Drawings, and SEQR – John Mastronardi of Griffiths Engineering is in the process of doing a technical review of the information received; Atty. Millus recused himself from the case and Atty. David Berger will be representing the Town in his place.
- The Town's first priority is to resolve the violations issue. Matt Banks is leading this effort in coordination with the New York State Department of Conservation (NYSDEC) Office out of Cortland, the Regional Office out of Syracuse for fill permitting, and the Corps of Engineers out of Buffalo. First the location of the fill needs to be identified, then it needs to be determined if it is in the wetlands (it is definitely in the floodplain). Also, the amount of the fill needs to be determined. (To the Town's knowledge 30 truckloads of fill was brought in.)
- Following the resolve of the violations issue, a formal application along with a 239 Review to be issued to the County will be done.
- The question was asked by Planning Board Members: how do we resolve the bringing of fill into the floodplain right now? Discussion concluded that we probably need a reasonable comparison of what was approved versus what the actual situation is currently before looking to move on.

#### **NEXT PLANNING BOARD MEETING**

The next Planning Board Meeting is scheduled for Tuesday, August 31<sup>st</sup>, 2021, at 7:00 pm. Mr. Brown will be out of town that day and requested the meeting be changed to the week before on Tuesday, August 24<sup>th</sup>, 2021, at 7:00 pm. The Planning Board Members were in favor of the change. Mr. Brown and Melodie will make the necessary announcements for the meeting change.

**ADJOURNMENT**

**At 7:46 pm, Mr. Aurelio made a motion to adjourn the meeting,** seconded by Mr. Eldred. **Motion carried.**

Melodie A. Bowersox, Town Clerk