

The Town of Fenton Planning Board held a meeting on Tuesday, March 27th, 2018, 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
Brian Randall, Board Member
Maureen Singer, Board Member
Melodie Bowersox
John Mastronardi (Griffiths Engineering)
Tina Fernandez (Hinman, Howard & Kattell)

Town Clerk
Engineer
Legal Counsel

ABSENT: Planning Board Members

David Berger (Law Office of David Berger)
Michael Pipher, Board Member
Thomas Standard, Board Member

OTHERS PRESENT: 40 members of the General Public which included Conservation Advisory Member (CAC) Pat Podrazil, Town Board Members Gary Holcomb, Rick Pray, and Tom Moss, Zoning Board of Appeals (ZBA) Member Cindy Cook

CALL MEETING TO ORDER

Mr. Eldred led in the Pledge of Allegiance.

WELCOME NEW PLANNING BOARD MEMBER

Mr. Eldred asked those in attendance to welcome new Planning Board Member Maureen Singer. This was followed by applause.

MINUTES TO APPROVE

The Planning Board Members were either mailed or emailed the minutes from the Planning Board Meeting held on February 27th, 2018. With no corrections to be made to the minutes from the February 27th, 2018 Planning Board Meeting, **Mr. Aurelio made a motion to approve the minutes**, seconded by Mr. Randall. **Motion carried.**

VOTE: Ayes 5 Armstrong, Aurelio, Eldred, Randall, Singer

Nays 0

Absent 2 Pipher, Standard

OLD BUSINESS – Binghamton Precast – 99 West Service Road

Introduction of Project – Mr. Armstrong explained that John Mastronardi of Griffiths Engineering has provided engineering assistance on the Binghamton Precast project. Also to avoid a conflict of interest, David Berger is providing legal assistance to the Town on the project. At this time, John Mastronardi was introduced and took a seat with the Planning Board Members. John stated that the Binghamton Precast project was approved in July 2016. Since then there have been site improvements exteriorly mainly for the lay down and storage of their finished products and materials that they use to process the concrete. John asked Mark Parker of Keystone Associates and Jay Abbey of Binghamton Precast to discuss a few of the changes

that were made to the site. Jay said they primarily covered the ground with crusher material to level and create a better running surface for the forklifts and equipment. They also tore down a couple of existing buildings.

Public Hearing Notice:

PLEASE TAKE NOTICE that the Town of Fenton Planning Board will hold a Public Hearing to review and take action on the new development permit application made pursuant to the Aquifer Protection Law, Chapter 57, Section 57-8 of the Town of Fenton Code, in conjunction with a site plan review for a site plan modification at 99-111 West Service Road, Binghamton (Town of Fenton), Tax Map ID Nos.: 128.02-1-5 and 128.02-1-32, submitted by Abbey Business Properties, LLC, on Tuesday, March 27, 2018 at 7:00 p.m., at the Town Hall located at 44 Park Street, Port Crane, New York.

Dated: March 14, 2018
PLANNING BOARD
By John Eldred, Chairman

TOWN OF FENTON

Public Hearing – Mr. Eldred opened the Public Hearing at 7:06 pm.

The following persons spoke in favor: None

The following persons spoke in opposition: None

Questions posed to the Planning Board and Applicant:

- Steve Anderson – What happens to the wash water? John Mastronardi answered that the waste concrete will be discharged into a containment area that will be lined with an impervious membrane. This will be installed once the weather breaks. Steve asked what is happening with the waste water now. Jay said they have a shallow pit that they wash it into, typical for a construction site when ready mix trucks deliver and they have to wash them out; if it gets full, they will dig it out. They should be building the new containment area within the next month. Steve asked if the pit was in regards to the New York State standards and specifics for erosion control by DEC. Jay said he did not know that for a fact but he had to believe it was because he has seen them on various construction sites. Steve's concern was the rinsing of the tanks and chutes that have the alkaline runoff seeping into the ground water. Jay said there is more concern about the runoff into the river. John added that NYS DEC's concern with the uncured concrete as it relates to the Stormwater Permit is the surface runoff into the surface waters not ground water. Steve asked if the tank would be large enough to contain the amount of water you would need to wash the equipment with. Jay answered yes. Steve asked, "Does the slurry water evaporate or is it pumped off someplace?" Jay said it usually evaporates. Steve asked if anyone inspects the facility. Jay said that DEC has been there quite a bit but he does not know if they have done a formal inspection.
- Tim O'Hare – Was the tank in the original proposal? John replied that it was not. Tim asked why it wasn't. John said he was not here when they did the original proposal but as they reviewed the project and saw the use and practice of the facility, then he requested it. Tim wondered if they were in violation of any procedure now. John has spoken to the NYS DEC Officer and he indicated there were no violations at this time.

- Jennifer O'Hare – Are they going to be back in front of us 18 months later asking for another variance? When does it stop? Jennifer is concerned that a business who fails to have foresight to realize what needs to be done is coming back in front of the Planning Board asking for a variance. Jay replied that he worked with the Town Engineer at the time and explained what he wanted to do. He asked him what he needed to do and fulfilled all the requests asked of him. Currently he is doing this vessel because he has also been requested to do it even though according to the NYS DEC standards it is not required. It is not going to get into the ground water (Aquifer). Jay is trying to be compliant, be a good corporate neighbor, and do the right thing. John has been out to the site and has verified that it does not appear that the waste water from the concrete is getting into a tributary, wetlands, or body of water. The slurry, until it solidifies, does not migrate very far. The minimum that the DEC asked was to dig a depression in the soil and line it with a plastic thin barrier and Jay has gone well above the minimum requirements of DEC for this containment area.
- Mary Jo Bowie – What are we here getting the permit for then? (This was asked after her comments below.) John answered, "For the Aquifer Protection Permit" which is required by the Town Code. Mary Jo asked, "But it still has a potential to have an impact on the drinking water in the Aquifer?" John said if you look at those seven items, it could have an impact. Mary Jo continued to question John and finally said, "I am asking if the activities they are doing on that site could have an impact on the Aquifer," and John answered that they do not believe so. The Planning Board still has time to review this information, as no decision will be made tonight.
- Mary Jo Bowie – How far above the floodplain are they? (This was asked after Mrs. Singer's questions.) The base flood elevation is 852.47'; the building is at 856.13'.

Comments made by Resident(s) relevant to the Public Hearing:

- Mary Jo Bowie – This area lies within the boundaries of Zones I and II and as stated in this law this is designated as a critical environmental section due to the regulations of the Department of Environmental Conservation. Mary Jo said that when she heard the Engineer say that they did the minimal amount required it caused her to pause. John interjected and said that he did not say that; he said he explained what the DEC's minimum was. Mary Jo said she is still concerned about the drinking water for Hillcrest Residents if something is not done correctly in this Zone II area and read a portion of the Town's Comprehensive Plan under chapter 8. She asked the Planning Board to give this much thought moving forward. Mr. Eldred commented that the project is pretty much covered by NYS DEC in regard to the Aquifer. The Aquifer is several hundred feet in the ground and the discussion is pertaining to surface water. John Mastronardi read from the Town Code the activities that should not be carried on in Zone II of the Aquifer, which include:
 - The construction of a septic system with a maximum flow rate exceeding 1,000 gallons per day.
 - The uncovered outdoor stockpiling of more than 100 pounds of manure.
 - The construction of facilities for the below ground storage of hazardous or toxic materials, except where leak detection monitoring systems and/or secondary containment structures are installed.
 - The landfilling of refuse, radioactive materials, toxic materials or hazardous materials on or below the ground surface.
 - The siting of junkyards or metal salvage operations.

- The construction of underground pipelines external to a facility that carry toxic or hazardous materials over distances exceeding 100 feet.
- The uncovered storage of road salt.

When you look at Zone II, you want to consider if the project has any of these activities to be carried on.

Questions of the Planning Board Member(s) to Binghamton Precast:

- Mrs. Singer – Can we identify specifically what products or residuals from their activity would fall under the definitions that exist in our Aquifer Permit? Are there specific ones that we can say we are concerned about? John said Binghamton Precast provided a list of chemicals they store on site. There are a group of oils, diesel fuel, antifreeze, motor oil, hydraulic oil, and add mixtures that are used in the concrete. All these materials are contained inside a building. Within the building is a containment area. Jay explained that all the materials are stored within a 1600 gallon area which is far larger than any particular vessel he has stored there per DEC Code. It is a concrete floor with no drains. There is a 500 gallon diesel storage tank on the exterior of the building. Mrs. Singer asked if these were within the floodplain. John said they are above the base flood elevation.

All persons desiring to be heard, having been heard, Mr. Eldred continued on with the meeting after closing the Public Hearing at 7:25 pm.

Mr. Aurelio made a motion for the Planning Board to declare the Planning Board's intent to assume the role of Lead Agency for Binghamton Precast, seconded by Mr. Randall. Motion carried.

ROLL CALL VOTE:

PB Member Mr. Armstrong abstain

PB Member Mr. Aurelio aye

PB Member Mr. Pipher absent

PB Member Mr. Randall aye

PB Member Mrs. Singer aye

PB Member Mr. Standard absent

PB Chairman Mr. Eldred aye

John Mastronardi stated this project will be deemed a Type I Action which will require a coordinated review with other involved or interested agencies. The information will be passed on to Broome County and NYS DEC to see if they choose to review it.

NEW BUSINESS/INFORMATION

Mr. Armstrong provided status on the following properties that will require Planning Board action in the near future:

- **Dick Laing – 155 West Service Road**
 - Change of use – Currently the property is owned by the Laings. Previously diesel service, parts and repairs took place on the parcel. The parcel was then rented to another group who continued with that type of work. This business closed and now it is used for personal storage. The family's goal is to rent out a portion of the building for office space. A site plan review will be necessary because it is a commercial property in a Commercial Zone. The Planning Board will also need

to review the change of use and a 239 Review by the County has been issued because it is located near the highway.

- **Carlton Fisher – 704 Hunt Hill Road**
 - Less than one acre home site – Any property that is less than one acre that is not serviced by public water and sewer must be reviewed by the Planning Board. The primary issue to address is seeing that the applicant works with Broome County Department of Health to recognize the separation required between their well and septic system. This is located within 500' of an Agricultural District which will also require a 239 Review by the County. The 239 Review has been issued to the County.
- **Dot Tool Co., Inc. – 131 Nowlan Road**
 - Change of ownership (R. DeVincenzo Construction, Inc.)/Change of use – Mr. Armstrong intends to speak with the new owners this week so that their materials may be submitted to the County for the 239 Review. (The property is within 500' of a State/County road.)
- **Nelson Ellis Furniture – 136 East Service Road**
 - Change of ownership (Hillcrest Ventures, LLC)/Change of use – A partnership has acquired this property. Phil's Gift Shop will remain in the building. The goals of the new owners are to develop store fronts which would include a consignment shop, window shop, heating and cooling business, restaurant, and storage area. The owners plan to have more information to Mr. Armstrong this Thursday. A 239 Review by the County will be required; the location is adjacent to the highway.
- **Binghamton Burial Vault Co. – 1114 Porter Avenue**
 - Change of ownership/Change of use – The new company intends to store vaults that will be locally available for distribution as needed. This may require a 239 Review by the County because of its proximity to Nowlan Road.
- **Robbie's Auto Repair – 423 West Service Road**
 - Change of ownership/Change of use from auto sales to auto repairs – The Planning Board will need to review this change of ownership.
- **Beer Tree Brew Company – 197 NYS Route 369**
 - The Beer Tree is looking to expand the brewing and public portions of the building. Materials are being prepared to present to the Planning Board.
- **Red Apple – 27 Albany Street**
 - The Red Apple has water and drainage issues on their parcel that they wish to correct.

NEXT PLANNING BOARD MEETING

The next Planning Board Meeting is scheduled for Tuesday, April 24th, 2018, at 7:00 pm.

ADJOURNMENT

At 7:33 pm, **Mr. Eldred adjourned the meeting.**

Melodie A. Bowersox, Town Clerk