

The Town of Fenton Planning Board held a meeting on Tuesday, May 25th, 2021, 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
Maureen Singer, Board Member
Legal Counsel Albert Millus, Jr., Hinman, Howard & Kattell
Town Clerk Melodie Bowersox
Engineer John Mastronardi, Griffiths Engineering

OTHERS PRESENT: Seven members of the General Public which included Building Inspector Matt Banks; Building Inspector Clerk Cheryl Mammano; Greg and Dustin Beagell of New Leaf Cider Co., LLC; three members of the General Public

CALL MEETING TO ORDER

Mr. Brown led in the Pledge of Allegiance.

ADMINISTRATIVE ANNOUNCEMENTS

Mr. Brown gave an overview of New York State Town Law Subsection 271 regarding the creation of the Planning Board, its roles, and responsibilities.

After the overview, Mr. Brown said that the New Leaf Cider Co., LLC submitted their Site Plan Application to the Town. This evening the Planning Board will have the opportunity to look at and review the drawings that were initially submitted electronically but are available in large hard copy before them tonight. The Public is welcome to listen and take notes. The week of June 21st a public information meeting is going to be scheduled for the public to attend and ask questions about the project. Residents that live within 1000' of the proposed project (usually the standard is 500') will be sent an announcement and a general public announcement will be published in the newspaper. Mr. Brown also extended an invitation to anyone present to make an appointment with him, one-on-one or with a group, to explain the whole process with them.

MINUTES TO APPROVE

The Planning Board Members were emailed the minutes from the Planning Board Meeting held on March 30th, 2021. With no corrections/additions to be made to the minutes from the March 30th, 2021 Planning Board Meeting, **Mrs. Podrazil made a motion to approve the minutes**, seconded by Mr. Aurelio. **Motion carried.**

VOTE: Ayes 7 Armstrong, Aurelio, Brown, Eldred, Pipher, Podrazil, Singer
Absent 0
Nays 0

NEW BUSINESS

Update: New Leaf Cider Co., LLC – 80 Depot Hill Road – Tax Map #113.04-1-38.1 – Farm Cidery – Pre-submittal conference meetings have been held with Applicant Dustin Beagell relating to the Farm Cidery Project and the 239 Review was sent to the County on May 20th, 2021.

- Dustin explained that he has a Farm Cidery License that Governor Cuomo initiated in 2004 for farm distillers, farm wineries, farm breweries, and farm cideries to promote NYS agriculture and NYS craft beverage industry. The license allows for farm cideries to have a tasting room. Dustin referred to the drawings, noting that half of it shows the tasting room and half of it shows the production area. Approximately 250 apple trees have been planted on the property.
- Mr. Brown reiterated from the last Planning Board Meeting that the Farm Cidery's land parcel was included in Agriculture District #4 by Resolution #27 of the Broome County Legislature on March 18th, 2021, which enables this initiative to be established under NYS Law. (Later in the meeting, Mr. Aurelio asked if the project falls within the allowed use. Because the parcel is included in Ag District #4, it is allowed. If it had not been included, it would not have been allowed under Ag Res A.)
- Mr. Brown distributed a sheet with questions from the County, answered by Dustin. These were discussed. (Note: italics indicate additional comments made at the meeting.)
 - County: Could you provide some more detail about the possible events and trip generation anticipated daily and for events and the anticipated number and types of trucks and number of employees?
Dustin: Events will likely be private parties and rehearsal dinners for the Venue across the street. I expect to receive deliveries by box truck (typical UPS/FED EX truck) 3 - 4 times per week and tractor trailer >1 time per week (*or twice a month*). We will have 5 employees. *The capacity limit is 75 people. If there was an event, there would probably be less traffic than a normal day because there would be less people coming and going.*
Mr. Brown: There is an existing problem with tractor trailer traffic in that area and the truckers GPS directs them to Stratmill Road and Depot Hill Road. This has been discussed with the County and the DOT because of the concern to Residents and the possibility of increase in tractor trailer traffic.
 - County: Where is the truck parking and/or loading areas?
Dustin: Delivery trucks will be loaded and unloaded at the overhead door on the production end of the building. *There is no loading dock. There is a door with a forklift.*
 - County: The site plan shows 40 parking spaces. Where would people park in the event they reach maximum capacity? Does the applicant plan to have an overflow parking area?
Dustin: There is space off the end of the parking lot for overflow parking that would fit about 24 cars. The driveway is also wide enough to allow for parking down one side of it (*and still be able to drive past each car*). With the size of the events we are anticipating, we do not believe we would run into an issue with parking.
 - County: Will the project require chemicals in the processing or rinsing (pesticide residue)? If yes, how will that be addressed?
Dustin: There is no pesticide residue. The cleaning products are food safe and meant to be used in direct contact with the finished edible product. We will have a holding tank specifically to catch the sediment that is left from the

fermentation process which will be pumped out periodically by a septic company. *Currently they are buying their juice as juice that has already been pressed. When their apple trees grow and they can use the apples from them, the apples will be washed before it is processed into juice. No pesticides will be used. Mr. Brown asked about the holding tank. Dustin said that in the fermentation process, solids fall out of the apple juice and the holding tank will catch them. A company will then come to pump the holding tank out. It is labeled on the Site Plan.*

- County: Will the project include on-site fuel storage for the generators?

Dustin: No.

Mr. Brown: The long form of the SEQRA has a question about stationary equipment. During construction there will be a generator, but no fuel stored on-site because the Contractor will take it with him. So as far as the day-to-day operation is concerned, all the energy will come from the grid.

- County: Does the applicant require an aquifer permit?

Dustin: No.

Mr. Brown: Mr. Brown wanted to clarify Dustin's answer with the Town Engineers. It was confirmed that the parcel is outside of the Town's Aquifer Region.

- County: Does the project include a lighting plan and photometric analysis which some projects include to show no light and glare impacts? If yes, please send when available.

Dustin: We did not have them do a photometric analysis. The closest light pole is 45' from the Nowlan Road ROW line and there will be trees planted along Nowlan Road to shield any direct rays from hitting neighboring property. The driveway will have up lighting shining on the apple trees that line it which will be subtle and will not cause any glare or rays of light hitting neighboring properties.

- Mr. Brown asked the Planning Board Members to review the Environmental Assessment Form (EAF). Although it is an Uncoordinated, Unlisted Action, a Full EAF was completed. As with Carrier Services Group, a committee will be formed with one member from the Conservation Advisory Committee (CAC), one or two members from the Planning Board, one member from the Town Board, and one member from the Zoning Board of Appeals (ZBA) to review the Full EAF.
- John Mastronardi of Griffiths Engineering stated that two SPDES permits will be applied for with NYS Department of Conservation (NYS DEC), one for Stormwater and one for Sanitary.
- When the EAF review has been completed and the 239 Review from the County has been received, all of the project information will be available in the Town Clerk's Office to be reviewed by the Public.
- Mr. Armstrong was involved in the pre-submittal conference meetings regarding the Farm Cidery and asked for clarification on several matters, including:
 - Trash hauling – Dustin anticipates this will be once per week.
 - The pipe on the west side entrance is not on the Site Plan.
 - If bedrock is exposed or the water table is daylighted before reaching the final grade, the progress on the project may need to be slowed and the Stormwater Management Plan updated.
 - Matters that have not fully been determined yet included the power source, heat source (fuel oil, propane, and/or electric) to be used for food prep and

storage of the fuel, type of landscaping to be planted for shading of light, and signage.

- Mr. Pipher agreed with Mr. Armstrong that there are details that need to be 'cleaned up.'
- John Mastronardi is still reviewing the SWPPP. There are a few details that do not align with the plans so he will come up with a list to send to Mark Parker, Civil Engineer for Keystone Associates, so he can address them.
- Mr. Brown briefly discussed the question in the EAF regarding whether or not the proposed action would result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services. The Applicant answered 'No.' In the SEQRA workbook, the answer is to be determined by whether or not it would generate more than 100 vehicle trips/hour (that includes arrival and departure) during peak times. Square footage may also need to be considered in answering this question correctly. This question will be reviewed further.

INFORMATION SHARING

Agrestic Meadow Wedding Venue – 76 Pleasant Hill Road – Tax Map #113.02-2-16.1

– At the March Planning Board Meeting, Mr. Brown shared that it was discovered on Facebook that the Venue has been operating for a period of time without any permitting or Site Plan Review by the Town. Also, Legal Staff was going to be consulted for any ramifications to the business starting without proper permitting. Atty. Millus said he was planning to write a letter to the Venue Owners, stating that they needed to contact the Town to go through the Town processing; however, the Owners have contacted Building Inspector Matt Banks and there will be a pre-submittal conference meeting this Thursday. Atty. Millus noted that at the time of the Beagell's Venue, there was no definition in the Town Code regarding Outdoor Recreation. Since then, the Town Board has added that definition to the Code and these types of services must comply with the Town's policies.

NEXT PLANNING BOARD MEETING

The next Planning Board Meeting is scheduled for Tuesday, June 29th, 2021, at 7:00 pm.

ADJOURNMENT

At 8:02 pm, Mr. Eldred made a motion to adjourn the meeting, seconded by Mr. Aurelio.
Motion carried.

Melodie A. Bowersox, Town Clerk