

The Town of Fenton Planning Board held a meeting on Tuesday, May 28<sup>th</sup>, 2019, 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  
Maureen Singer, Board Member  
Thomas Standard, Board Member  
Albert Millus, Jr.  
John Mastronardi (Griffiths Engineering)  
Melodie Bowersox

Town Attorney  
Engineer  
Town Clerk

**ABSENT:** Legal Counsel Tina Fernandez (Hinman, Howard & Kattell)

**OTHERS PRESENT:** Town Board Member Gary Holcomb and Zoning Board of Appeals (ZBA) Member Dee Taubar

### **CALL MEETING TO ORDER**

Mr. Brown led in the Pledge of Allegiance.

### **MINUTES TO APPROVE**

The Planning Board Members were either mailed or emailed the minutes from the Planning Board Meeting held on April 30<sup>th</sup>, 2019. With no corrections/additions to be made to the minutes from the April 30<sup>th</sup>, 2019 Planning Board Meeting, **Mr. Aurelio made a motion to approve the minutes**, seconded by Mr. Standard. **Motion carried.**

**VOTE:** Ayes 7 Armstrong, Aurelio, Brown, Eldred, Pipher, Singer, Standard  
Nays 0

### **OLD BUSINESS**

**Site Plan Application Package 2019 Edition (Draft)** – Mr. Aurelio has recruited Mr. Armstrong to assist in reviewing the Site Plan Application Package. He chose him because of his experience with the planning process and what has been done in the past. Mr. Aurelio has also been polling the documentation from the surrounding Municipalities (Town of Chenango, Town of Kirkwood, and Village of Port Dickinson) to see if there are any variations to consider adding to the package. The anticipated timeframe for a final draft is June or July.

### **Carrier Services Group (CSG) – Project Review & Recommendation to Town Board –**

- **SEQR**
  - Part 1 was filled out by CSG and reviewed at the April Planning Board Meeting, Mr. Armstrong noted corrections/additions to Part 1. Mr. Armstrong asked Mr. Brown if Part 1 has been updated with those corrections/additions. Mr. Brown said they have not but that he or CSG will make those updates.
  - Part 2 was filled out by the SEQR Committee.

- Additional Document – The SEQR Committee also completed a document to supplement the SEQR review which outlines the process used and the rationale for the decisions that were made in relation to all 18 questions of Part 2 of the SEQR.
- Part 3 – Part 3 is the 'Determination of Significance.' With the completion of Part 1 and Part 2 of the SEQR, and not identifying any large or significant impacts to the environment, **Mr. Eldred made a motion to recommend to the Town Board that this project has no or small impact to the environment and to recommend as a Negative Declaration**, seconded by Mr. Pipher. **Motion carried.**

**ROLL CALL VOTE:**

PB Deputy Chairman Mr. Armstrong aye  
PB Member Mr. Aurelio aye  
PB Member Mr. Eldred aye  
PB Member Mr. Pipher aye  
PB Member Mrs. Singer aye  
PB Member Mr. Standard aye  
PB Chairman Mr. Brown aye

- **Planning Board's Miscellaneous Discussion on the Project**

- Mrs. Singer said it is not uncommon in her line of work to restrict the dimensions of tractor trailers and/or the times of delivery when the business is within a residential area. She is concerned about the specific dimensions of tractor trailers entering and exiting CSG. The weights and types of trucks have been identified by CSG but there has not been mention of the size of the trucks. Mr. Brown asked Mrs. Singer to compile a question and contact CSG to discuss the truck sizes, how they work with the present operation, and the impact they may have with the new operation. The Planning Board Members agreed that reducing the impact on the community without it being over burdensome for CSG is important - finding a middle ground is the goal.
- Mr. Aurelio asked if this was the first Special Use Permit to be issued by the Town; Mr. Holcomb answered yes. Mr. Aurelio asked what the follow up would look like if the project was to be approved. Williamson Law has a template for Special Use Permits that the Town is going to customize for Building Inspector Matt Banks and Code Enforcement Officer John Broughton to use. Once a Special Use Permit has been approved, a copy of that form along with any conditions would be sent to Matt and John who will then provide follow up on the approved project.

- **239 Review** – The 239 Review was received back from the Broome County Department of Planning and Economic Development on Friday afternoon, May 24<sup>th</sup>, 2019. It was emailed to the Planning Board Members for review prior to tonight's meeting. One item that was brought up by the County and addressed by Mr. Brown was the future parking spaces on the initial Site Plan. These 240 parking spaces were originally on the Site Plan because the new zoning had not been passed yet and the requirement at that time was one parking spot for every 500 square feet of warehouse space. Since the rezoning, that requirement is no longer part of the zoning and the future parking spaces have been redacted from the Site Plan. Mr. Brown read the County's comments:

- '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. We request to have an opportunity to review and comment on the final site plan.'

- 'The special permit conditions and conditions of approval should include the following:
  - If the applicant proposes to expand use of this facility beyond the current proposal, the New York State Department of Transportation and Binghamton Transportation Study (BMTS) would have the opportunity to comment, prior to local approval of the expansion, on the anticipated trip generation. *Mr. Brown said that within the Special Use Permit process that if the applicant is to have any form of expansion (which includes traffic, data for a traffic study, etc.), then the Special Use Permit must be amended.*
  - Best practices to reduce excessive truck idling, and limitations on the location, length of time and time of day when idling is permitted. *Mr. Brown said that in the Part 1 of the SEQR and the Special Use Permit application, it was indicated that there would be no refrigeration on the trucks so the applicant did not anticipate much idling.*
  - The south property boundary should be fenced and landscaped to screen the project from the adjacent Gilmore Avenue and Hoyt Avenue residences. *Mr. Brown said that there is some landscaping shown on the Site Plan and there will be further discussion with the applicant throughout the approval process.*
  - No outdoor storage. *The applicant has said that there is no outdoor storage. The County is asking the Town to place a condition of 'no outdoor storage' on the project.*
  - No light and glare spillover into the adjacent residential neighborhoods, Children's Home of Wyoming Conference, or other sensitive receptors. *Mr. Brown said that in the application, Part 1 of the SEQR, and Special Use Permit application, there is no upgrade to the existing lighting. If the applicant wishes to update the lighting, he would have to come back to the Town for approval.*
  - Spill prevention plan. *Mr. Brown said there is nothing being used in terms of the application that would cause spill unless there was fuel from a truck. Mrs. Singer said that HazMat spill kits are applicable for HazMat loads. Mr. Holcomb felt it would be a good idea to have a kit on site in case a truck had a spill while delivering to CSG.*
  - The Town should determine the need for a road use agreement for Hoyt Avenue. *Mr. Armstrong said that the Town's Code does not address this; for road use agreements it is only short-term.*
  - The easement dispute should be addressed with the Chenango Valley Central School District. *Atty. Millus said this is a private dispute between the two entities and the Town has nothing to do with it. If the Planning Board were to recommend that the Town Board adopt a condition that all access were through Hoyt Avenue and then the School and CSG resolved their dispute, CSG would have to come back to the Town to ask to open up the ingress and egress to the north. At the Planning Board Meeting last month, the Planning Board Members discussed not becoming involved in this dispute.*

- The response to SEQR Full EAF question E.1.d. (facilities serving children, people with disabilities) should be corrected. The project site is located within 1,500 feet of the Chenango Valley Central High School and the Children's Home of Wyoming Conference. *In the 239 submittal to the County, the Children's Home was noted because it is within 200' from the project site. The High School with the classrooms is outside of the 1,500'; however, there is a soccer field that is within 1,500' so a memo was sent to amend the answer to this question.*
- The site plan should show the following:
  - Driveway vehicular and pedestrian ingress and egress
  - Traffic circulation
  - Valid property boundaries, tax map numbers and ownership, right-of-way, and easements
  - Drainage system that addresses the drainage flowing from the project site to the adjacent property
  - Loading docks
  - Employee, customer, and truck parking spaces
  - Landscaping plan and schedule, including landscaping along the south property boundary
  - Exterior Lighting Plan, including lighting intensity, LED, and if necessary photometric analysis and any necessary upgrades to the exterior lighting system
  - Signage
  - Fencing
  - Removal of the fueling station and solid waste bins
  - Outdoor solid waste and recyclable storage containers and dumpsters and enclosures for garbage and recycling pick up
  - Environmental restrictions, institutional controls, and deed restrictions noted.

*Seven of the items listed are already on the Site Plan. The other six items will be passed on to the applicant. Mr. Holcomb would like Mr. Brown to give him a list of the six items that are not on the Site Plan. Mr. Pipher indicated that the Site Plan provided by the applicant does not show any physical changes to the property associated with the Planning Board's review.*

- The case file was routed to the following agencies for review:
  - Binghamton Metropolitan Transportation Study (BMTS)
  - NYS Department of Transportation (NYSDOT)
  - Broome County Department of Public Works (DPW)
  - Broome County Health Department (BCHD)

*The BMTS issue with the future parking has been resolved. NYSDOT asked to be notified of any future development by the applicant. DPW had no comments. BCHD recommended that the NYSDEC in Albany be contacted due to the site's history and remediation that had taken place. This information is readily available on the deed. In addition, this information was published in a 2008 End of Use Plan Report which lists the buildings, readings, and chemicals relating to the site.*

- In addition, the case file was forwarded to the Village of Port Dickinson and to the Chenango Valley Central School District. *Mr. Armstrong noted*

*that the Village of Port Dickinson is not within 500' of the project (which is the requirement for sending the information to an adjoining entity) and there is not an obligation or requirement for a school to participate in this process.'*

- **Mr. Armstrong made a motion that the Planning Board is recommending to the Town Board associated with this review to consider those elements discovered in the 239 Review by the County that have an impact on the property and how it is used without regard for preexisting conditions, seconded by Mr. Pipher. Motion carried.**

**ROLL CALL VOTE:**

PB Deputy Chairman Mr. Armstrong aye  
PB Member Mr. Aurelio aye  
PB Member Mr. Eldred aye  
PB Member Mr. Pipher aye  
PB Member Mrs. Singer aye  
PB Member Mr. Standard aye  
PB Chairman Mr. Brown aye

- **Planning Board's Recommendations to the Town Board** – The Planning Board discussed their recommendations on the entire project to be sent to the Town Board. After the discussion, **Mr. Aurelio made a motion to recommend that the Town Board approve the CSG project with the following conditions:**
  - **Idling time must be at a minimum, according to NYS Law**
  - **Consider restrictions on the parameters of the truck dimensions (Mrs. Singer will be contacting the applicant, Lee Hartman, to discuss this with him)**
  - **No jake brakes**
  - **No air horns**
  - **Require a spill prevention plan**
  - **Lumens on the site lighting cannot be changed**
  - **No increase of light levels allowed outside of the property**
  - **Approval for directional sign or any other signs as necessary**
  - **Loading dock doors must be closed for noise reduction outside of normal operating hours**
  - **Inspections are to be allowed by the Town of Fenton on a regular basis**

seconded by Mr. Eldred. **Motion carried.**

**ROLL CALL VOTE:**

PB Deputy Chairman Mr. Armstrong aye  
PB Member Mr. Aurelio aye  
PB Member Mr. Eldred aye  
PB Member Mr. Pipher aye  
PB Member Mrs. Singer aye  
PB Member Mr. Standard aye  
PB Chairman Mr. Brown aye

**INFORMATION**

**Venue Beagell Farms** – An application will be forthcoming.

**Binghamton-Ithaca Express, Inc. Project – Pole Building for Garage** – The applicant went to the ZBA and obtained a Use Variance. Mr. Armstrong and John Mastronardi spoke with John Cole of Binghamton-Ithaca Express, Inc. and he will be following up with Mr. Brown as to what his application package should entail.

**United Refining Co. (Kwik Fill) – Asphalt Replacement and Lot Drainage Repairs** – An application will also be forthcoming from United Refining Company. Mr. Armstrong noted that there is drainage received from the adjacent property, Subway. The owner has discussed with him and John Mastronardi the possibility of putting in a continuous curb; however, this would have the potential of placing water onto NYS Route 369. Mr. Armstrong suggested using a wheel stop and/or allowing the water to pass towards the catch basin.

### **NEXT PLANNING BOARD MEETING**

The next Planning Board Meeting is scheduled for Tuesday, June 25<sup>th</sup>, 2019, at 7:00 pm.

### **ADJOURNMENT**

**At 7:39 pm, Mr. Aurelio made a motion to adjourn the meeting,** seconded by Mr. Standard. **Motion carried.**

Melodie A. Bowersox, Town Clerk