

# Town of Manchester Planning Board Meeting Minutes

## August 17, 2021 – 7:00pm

### DRAFT

**Present:** Scott VanAken, John Boeckmann, Jeff Flower, Lee Sanders, Steve Buerman, Julie Vanderwall, - members, Stuart Gwilt, Chairman, Steve DeHond, Code Enforcement Officer and Nichole Ruggles, Recording Secretary

**Absent:** No one was absent

**Also, present:** Bill Young, Frank and Beverly Santelli, Peter Wright, Rebecca Nealey, Tom and Sandy Hood, and Doris and Jim Kenny, Megan Webster, Wilson & Maureen Farnsworth, Larry and Jann Farnsworth, Alexander and Maureen Farnsworth, Della Ludwig, Alma O'Connor, Jay Fagner, Colleen and Wayne Combs, Julie Messenger post representative, Stephen George Engineer, Joanne Asquita,

**Final Site Plan Approval #4619-21:** Will-O-Crest Farms requesting final site plan approval to construct 240' x 400' manure storage facility on Thompson Road, tax map no. 13.00-1-4.100 and 4.00-1-32.000 in (n) A1 district pursuant to chapter 325-42-D. (24) Surrounding neighbors were notified of this hearing including the Town of Arcadia.

Stuart Gwilt, Chairman: Mr. Gwilt reviewed the site plan at this time and explained this was a public meeting, not a public hearing. I spoke to Agg & Markets and they referred me to Soil & Water who is funding the project. They are following NYS standards. We also received the geological report and has been reviewed.

Scott VanAken, board member: The question on the geological report is specifically was the "impermeable" soil condition that was in question from the geological report and the report stated the test drillings did not meeting the standard of "impermeable". The other question was would the structure hold up if a sink hole would occur?

Stephen George, Engineer: The design process was designed by the geological reports, its hard to say, we don't know but its why these studies are conducted. The report shows this would be the best area for this manure storage.

Joanne Asquita, PG: When you're evaluating the area, we have NRCS guidance and regulations to follow. We studied 100 feet from the proposed site. There were no features with in those 100 feet that would indicate sink holes. It's very dense glacier and because of this you wouldn't see sink holes in this kind of dense glacier. The bedrock is at least 40 feet below the drum land, not usual for sinkholes.

Section 6 Conclusion of the Geologic Report:

This report is based on soil borings performed at specific locations and on published mapping online and accepted resources for this work/design. Subsurface conditions are inferred from the subsurface exploration logs. Conditions beyond, between and below these explorations are likely to vary. If subsurface conditions are subsequently revealed that appear to be significantly different or less favorable than those described, professionals designated in this report should be contacted to revise the statements in these report/conclusions. Conditions during construction may vary creating the need for modifications to the construction practices or design.

**Water Table/Groundwater:** Groundwater has been logged in tow of the three borings at 532 famsl and 495.3 famsl. Although these are not accurate water table readings, the fact that water was infiltrating into the borings indicates that groundwater will need to be drained from the sidewalls and storage bottom.

This site is located over a mapped principal aquifer that is likely at a greater depth than the borings that were performed since strong evidence of an aquifer was not encountered in the soil borings (i.e. a thickness of gravel and /or sand and gravel). Rather it is more likely that the drumlin rises above the aquifer and the aquifer exists at the depth below the drumlin. For protection of the potential aquifer below the site, the design includes an HDPE liner over an earthen structure. The soil permeability measured below and as part of the earthen

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structure (taken from B-2) resulted in  $3.7 \times 10^{-6}$  cm/s. In addition, the soil thickness is a minimum of 30 feet below the proposed tank. The measured permeability of the representative soil below the tank and the thickness of the soil unit could impede downward migration of waste.

The HDPE liner should have a leak detection system that will allow farm manager to monitor the liner performance and if needed contain a leak until the storage can be emptied and repaired. Liner installation procedures shall follow NRCS 521A Pond Sealing or Lining-Flexible Membrane.

Jim Kenny, resident: The test holes that were drilled just outside of the manure storage, there were no other samples taken outside of the 100 feet of the storage, right?

Joanne Asquita, PG: There were three borings that were conducted. Not at major change to in either test sites. The three borings were similar in duration and had glacier till, you wouldn't expect any changes outside of that area.

Jim Kenny, resident: You wouldn't expect any changes, is that what you said?

Joanne Asquita, PG: Correct, if you went 1,000 feet and there is a sink hole, it doesn't really pertain to this storage unit.

Scott VanAken, board member: let me make this clear of what I think Jim is asking. If there were to be a sink hole 1,000 feet outside of the storage area would this effect the actual storage location site? As an engineer stand point, it wouldn't make a difference, correct? The actual grade elevations of the drawings, there is question that there not up to date, can you answer this?

Stephen George, Engineer: Correct, it is accurate; we used GPS equipment for the points that were taken. As far as the tree lines, this was not surveyed by GPS because it's not needed, as its not the site of the pit.

Steve Buerman, board member: The map didn't show any surface drainage, and small depressions on the side of the hill.

Stephen George, Engineer: There were small depressions inside the drum land that may be what your speaking of? The map shows three different elevations.

Scott VanAken, board member: The tree density was also brought up, is there some inaccuracy in the drawings? Could this prevent escape of the odor as it shows in the drawings?

Stephen George, Engineer: It's just a representation of, not the actual density of the tree lines.

Jim Kenny, resident: There are concerns with application for the variance that was decided within the Zoning Board.

1. Whether undesirable change would be produced in the character or neighborhood or a detriment to nearby properties, the board voted no.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance, the board voted no. The answer was as followed:  
Natural dense nonpermeable glacial till is found in this location on the property. This provides a great natural barrier to protect against any ground water contamination if the liner were to develop a leak, making the variant site the best solution to ensure environmental stewardship.

I took this information to a geologist engineer regarding the impermeable soil. The soil base is not there and it doesn't appear to be true. It's proven false. The permeable was actually impermeable soil. I spoke to Ken Blazey and Scott DeCook from the Zoning Board and they were in favor of having the variance re-evaluated. So I am requesting that the variance request should be re-looked at as there was not enough supported information during that

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meeting. I see a problem with the process if this does not go back to the Zoning Board. The proper information needs to be implemented into the variance that's updated and accurate. Would it cost more if it was moved to the north? The variance should be looked at with the new information along with the evidence to support all points.

Rebecca Nealey, resident: The soil report was not in the initial application, Why? We just got this and that's because it was foil requested.

Stuart Guilt, chairman: The Zoning Board had more information than we did at the time.

Rebecca Nealey, resident: So the board didn't see this report until recently?

Stuart Guilt, chairman: Correct.

Scott VanAken, board member: Regarding the soil base, if this was to be moved 160 feet would it have the same soil base?

Stephen George, Engineer: It would be the same soil base if it was moved, but we would have to update the geological report and do more investigation.

Scott VanAken, board member: The soil base would be the same?

Stephen George, Engineer: We would have to do more investigation. The area is low impermeable soil base. If there were to ever be a leak it would be more likely detected as its low density. It's why we like this site for the manure pit.

Jim Kenny, resident: If there were any changes in construction, does the site plan need to be noted if the soil were to have any changes? For example, we had some issues at our own home. The drilling was 16 feet into the water table and the other drilling was 38 feet. I see possible concerns with this.

Stephen George, Engineer: There would be a 7 ½ cut on the north and on the south a 10 ½ cut being the largest cut on the north to south sloop.

Joanne Asquita, PG: When using a solid steel boring logs, its normal to have some water within the borings. When the pipe is pulled out, there was no water. This was noted in the geological report as stated.

Jim Kenny, resident: In the variance request, the board didn't have this correct information. So we should have the proper information to make a decision. Can the Zoning Board re-look and have a new variance regarding the soil?

Scott VanAken, board member: What's the difference going back to the Zoning Board? Where it sits? Is there a difference?

Jim Kenny, resident: They made decisions without the geological report. I asked Ken about what to do and he said it was up to the board to make that decision.

Stuart Guilt, chairman: Is there an elevation difference if it was moved to a different site?

Stephen George, Engineer: We would be close to the property to the north, if we moved it, it wouldn't be ideal.

Steve Buerman, board member: if it moved 168 feet you would need a variance either direction.

There were some arguments with some residents and Bill Young regarding where his property ends, and the areas he owns.

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Scott VanAken, board member: The health consideration of the residences was not exactly answered. It was a general question we had on the resident's behalf.

Jim Kenny, resident: They explained about the safety, but didn't address or explain the health concerns. So the health and well being doesn't affect the board's decision?

Scott VanAken, board member: I didn't say that, we are here to review the site plan. Of course, the health and safety of all residents are important.

Larry Farnsworth, resident: The site plan should be considered on our behalf, we have health concerns and property value concerns. There are CDC laws.

Jan Farnsworth, resident: Any of you live by this pit, I guarantee not. Its offensive and it's all about the profit of Mr. Young. Not us as residents. "Screw thy neighbor's". You are here for us not just one. This is our health and no one has answered our questions.

Rebecca Nealey, resident: In the application it said in question one and four.

1. Show that granting the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.  
The site is at least 1,600 feet from any residence, boarded most of the way around by trees and or hills. The variant site was chosen because of its ability to conceal the storage facility and the odors more fully from surrounding properties with the natural barriers of trees and hills, in combination with a site that has a dense impermeable underlying soil base. The natural topography and foliage are much better suited at this site location then nonvariant locations on the same property or adjacent properties.
4. Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood.  
The construction of a manure storage facility will most likely have a minimal odor impact in a small immediate area of the filed in which it is built. This would be around the times of filling, agitation, or removing the manure. That area is at least 1,000 feet from any residence and is mostly surrounded by trees and hills which will constrain and brake up the odor. Moving the facility north or south by 160 feet is unlikely to lessen or increase the area of impact substantially, while it could move the facility off the best underlying soil base. In addition, the use of this storage site would reduce or eliminate the unloading of manure trucks on roadside and near area residence reducing odors in those areas.

I have not seen any proof of this question; this is right on the application. We are very concerned for our health. Let's be honest this will affect us as residence. We are asking the board to listen to us and address all concerns.

Larry Farnsworth, resident: This pit is larger than some of our properties.

Rebecca Nealey, resident: There is no safety traffic plans and we have speed concerns.

Scott VanAken, board member: We did address this question in the meeting last month and there was a traffic study that was completed.

Bill Young, Owner of Will-O-Crest: The total traffic won't change but on Field Street, not on Thompson Road. The pumping will be further north on Field Street. This is subjected to change, its not permanent.

Scott VanAken, board member: Speeding is policed in that area and sounds like it the amount of traffic won't change.

Jim Kenny, resident: I spoke with Steve DeHond, regarding traffic. My concerns are the pump station on Field Street. I was on the road one day and I couldn't see beyond the trucks that were parked on the road. This is a safety concern.

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Scott VanAken, board member: Question one, Unloading and loading of the trucks, will it stay in that area?

Bill Young, Owner of Will-O-Crest Farms: That location is not permanent.

Rebecca Nealey, resident: How many people on the board can honestly say that this size manure pit won't affect the odor and the flies? Our quality of living is in question here. An 8.2 million gallon tank is going to stink up the whole neighborhood. It makes us very uneasy. These are major concerns we all have.

Wilson Farnsworth, resident: We smell it pretty good now and there is a smaller pit about 1 mile. Believe me it smells.

Jan Farnsworth, resident: We pay taxes; we have the right to breath. We should be able to open our windows.

Jim Kenny, resident: Chapter 159 in the Zoning book refers to 617, two types of classification that we are exempt from. Steve said, well we can't go there. I have stated a form for an environmental statement study, and we will go through the process. The attorney said we have the right to regulate. We have to go through a lot as residents and this is a problem. This could have a direct effect if the storage container going there.

Steve DeHond, Code Enforcement Officer: Jim, you're referring to section 617.53. You're making it sound like I'm not doing my job. It's already been declared exempt. No. NYSDEC regulations, found within Title 6 of the New York Codes, Rules and Regulations (6 NYCRR 617.5©(3)), describe agricultural farm managements practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming, as "Type II" actions. This class of actions has been determined not to have a significant impact on the environment or is otherwise precluded from environmental review under Environmental Conservation Law, Article 8. Additionally, they do not require preparation of an Environmental Assessment Form, a negative or positive declaration, or an Environmental impact statement.

Jim Kenny, resident: It's the air quality that's in question here. Not saying you're not doing your job.

Steve DeHond, Code Enforcement Officer: I will contact the attorney to see how we proceed further.

Lee Sanders, board member: We do live in an agriculture area; they have the right to farm. I live right by a farm, and I have excepted where I live. I understand the concerns, I have concerns also.

Larry Farnsworth, resident: I have lived here my whole life and now there are pits all around us.

Rebecca Nealey, resident: I understand we live in an agriculture area, but there are too many all around us, when is enough enough?

Scott VanAken, board member: I have been smelling a lot more manure recently by my home, so the question is, will it be more or less? The experts are saying less. This is me speaking out loud.

Jan Farnsworth, resident: There are law suits to farmers regarding these situations. Look it up. Just saying.

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Rebecca Nealey, resident: I have been looking up the density of manure pits; this would be our 6<sup>th</sup> one in the area. I just don't see how this won't be an issue all around. The Town of Manchester will be "The Manure Capital of Ontario County". We are just trying to give the facts here and we want to be heard.

Resident: No one would buy any of our properties knowing there is a "shit pit" right by our homes.

John Boeckmann, board member: Where is the smell coming from now?

Dorris Kenny, resident: It's all over, every direction with all the farm land in the area. This goes back to when is it enough, enough?

Steve Buerman, board member: As a board, I feel this should go back to the ZBA. We can't make a determination tonight.

Steve DeHond, Code Enforcement Officer: We have to check with the attorney at this point to see what's legal.

Scott VanAken, board member: Is the decision binding, or can they go back with new information? Testing points and some insurance to the public? Samples and testing? Do they need an updated application with the new information?

With continued concerns and questions from not only the board members, but the community residents as well. Chairman, Stuart Gwilt closed the public meeting. No motion to vote until Steve DeHond contacts the Town of Manchester's Attorney for further direction. All in favor "Aye". To post pone. Motion carried.

Stuart Gwilt, Chairman: Any further questions?  
(Hearing none)  
At this time the meeting was stopped at 8:20pm.

## Previous Minutes:

A motion was made to approve the minutes from the meetings which took place on July 20<sup>th</sup>, 2021. All voted "Aye." Motion carried.

Respectfully submitted,

Stuart Gwilt  
Planning Board Chairman

Nichole Ruggles  
Recording Secretary