

Town of Manchester Planning Board Meeting Minutes

September 21, 2021 – 7:00pm

DRAFT

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

Absent: Jeffery Flower, Board Member

Also, present: Bill Young, Frank and Beverly Santelli, Rebecca Nealey, Tom and Sandy Hood, and Doris and Jim Kenny, Colleen and Wayne Combs, Matt Worden and Jaylene Folkins.

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 explained this was a public meeting, not a public hearing. Quoted from the Town of Manchester's attorney, The Town Planning Board has no power to override or ignore a ZBA determination. The Planning Board must give a ZBA determination the same weight and treat such determination with the same authority as the Town Zoning Law itself. These stays approved by the ZBA.

We need to make a motion first that this type of action is a type 2. This type of action 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.

Mr. Young has verbally agreed to the one-day extension of the required 62-day deadline for a decision from the planning board.

Jim Kenny, Resident: My understanding is that by speaking with Ken Blazey and some of the other members, they stressed it was approved only by the variance, with the considerations of the 5 questions.

1. Whether undesirable change would be produced in character or neighborhood or a detriment to nearby properties.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance.
3. Whether the requested area variance is substantial.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood.
5. Whether the alleged difficulty was self-created.

They said it wouldn't change their ruling as it wouldn't make a difference for the application. That's my understanding.

Stuart Gwilt, Chairman: Remember this is not a public hearing. The SEQR is a type 2 and doesn't have a significant impact, as of Article 8.

Rebecca Nealey, Resident: Excuse me, we have a lawyer who sent a letter and absolutely told us it's a public hearing. You have the public here. It's a public hearing.

Steve DeHond, Code Enforcement Officer: It's a public meeting, not hearing.

Rebecca Nealey, Resident: Our attorney advised us that we can make statement and that is from the lawyer. I want that in the meeting minutes. You can't tell us that we can't.

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Stuart Gwilt, Chairman: It's not a public hearing, it's a public meeting. You're welcome to sit here but the board will be voting this evening.

Rebecca Nealey, Resident: We want to make a statement, it's what we're asking in regards to the boundary line.

Jim Kenny, Resident: We have other concerns that we would like to share as its relevant to the site plan and important information to consider. At this time Jim presented a hand drawing of where the transfer station is currently located, and where he feels it would be best located. I heard some of the board members did a site visit. How did that go?

Stuart Gwilt, Chairman: I was amazed by the site, we stood about 20 feet above one pond, for about 20 minutes or so. There was no smell.

Jim Kenny, Resident: I asked Bill to take me out to the site. I went to three different locations. I can't disagree on what you experienced. My trip was the perfect day. I could not smell a lot of fumes from any of the pits. Then I got thinking and some of the events that happen were not happening at the time. There was no agitation. I was lucky enough to see the floating boat. I am sure once its agitated it will increase the smells.

Bill Young, Owner of Will-O-Crest Farms: We would only agitate when we spread, about 3x per year. The smell would be no more then what it is currently.

Jim Kenny, Resident: I have concerns about the overall plans, when does the Town of Manchester overview and inspect during construction?

Stuart Gwilt, Chairman: The DEC and the Engineer will inspect throughout construction. Then the town will get a report along with the town board.

Jim Kenny, Resident: In regards to future growth, the number of trips with the haulers to fill this lagoon will be about 50-60 trips.

Bill Young, Owner of Will-O-Crest Farms: The haulers are already hauling about that many trips when we land apply. So the amount shouldn't change to much.

Jim Kenny, Resident: We have some real difficulties with the location of the transfer station site on field street. It's a traffic hazard with the trucks unloading on field street, there is a better more ideal remote area off of Short Road down the gravel road. This would be a better place for the transfer station location and would cut down on the hazard road conditions this could cause on Field, Short and Thomas Road.

Stuart Gwilt, Chairman: The construction won't even start this year, but this will be looked at by the Engineer during the time of construction.

Jim Kenny, Resident: Will the board look at any of this?

Scott VanAken, Board Member: We did talk about the traffic study in an earlier meeting, but I don't have the paperwork here to discuss. We were communicated that the traffic study was accommodated and not an issue.

Rebecca Nealey, Resident: What was the date of the attorney statement?

Stuart Gwilt, Chairman: There is no date on my paperwork, but the town's attorney was contacted after the last meeting, so sometime after that, maybe about two weeks ago or so.

Rebecca Nealey, Resident: The reason I ask is we filed a FOIL request to the town two times, and had no correspondence that was provided to the attorney or myself. This was important to us. The statement you read is where I have an issue as a resident of this town. How has the board addressed our health concerns? It hasn't been addressed.

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Lee Sanders, Board Member: Personally, I have not seen anything rock solid or evidence of health issues.

Rebecca Nealey, Resident: We want a statement in the meeting minutes. Because there are no studies “He” gets the benefit of the doubt? That’s not right. Mr. Sanders said in the last meeting, we don’t live in the country to smell sweet. I have lived here for 12 years. He spreads right by my house and I have never once complained to the town. Our complaints are valid! We are surrounded by pits. Like I said before “it’s the manure capital”. As residents we don’t feel that our concerns have been meet or addressed.

Jim Kenny, Resident: The corner stake at the North East of Wilson Farnsworth house was accidentally removed. How will they determine the set back if it’s not there? The manure pit plans I feel are good, but we need to look at the bigger plan and how it affects the community. This has to be looked at. The transfer station site should be in a remote location. Now we have to worry about the traffic and how it will be handled. This should be considered and I haven’t seen any plans for this. The NRCS documents talks about these lagoons and it recommends planting Juniper trees around the lagoons to help control some of the smells.

Bill Young, Owner of Will-O-Crest Farms: We can’t build on top of the berms, due to trees falling, and the roots can cause berms to fail, but I am not opposed to adding trees where it’s safe and won’t cause any harm.

Scott VanAken, Board Member: The Engineers and the builders will take responsibility regarding the site plans and construction throughout the project.

Steve DeHond, Code Enforcement Officer: Explained what a SEQR type 2 action was regarding the laws and procedure of this motion.

A motion was made by Stuart Gwilt, Chairman to approve the SEQR type 2 action. This type of action has been determined not to have a significant impact on the environment or is otherwise precluded from the environmental review under environmental conservation law, Article 8. The motion was second by Scott VanAken. All voted “Aye”. Motion carried

Steve Buerman, Board Member: These are some of my thoughts.

- I agree with Bill, to put trees where appropriate around the pond.
- Pond Depth Monitoring:
 1. A regular (at minimum monthly) logging of pond depth and “freeboard” remaining is required
 2. Pond levels are not to exceed the design engineers recommend maximum depth to ensure that there is sufficient freeboard available to handle any foreseeable excess water event
- Pond site and walls must be properly maintained:
 1. No evident erosion
 2. No animal holes
 3. Grassy exterior slopes
- Liner maintenance:
 1. Should the liner leak monitoring system identify a leak the pond will be drained and the leak fixed within one operating cycle of the pond.
- Ground water monitoring well required:
 1. Installation
 - a. Installation of four groundwater monitoring wells, equally spaced around the circumference of the pond are required.
 - b. Wells must be a sufficient depth to ensure that groundwater is present at all times
 2. Sampling and Testing
 - a. The ground water monitoring wells to be tested within 30 days of

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- installation to establish a baseline” for future test results.
- b. All monitoring wells to be sampled and tested annually
- c. Proper procedure to be used for sampling
- d. The annual samples are to be tested at a certified lab for:
 - Pathogens associated with animal manure
 - Phosphorus
 - Nitrogen
 - BOD
- e. All test results to be kept on file and accessible to the zoning office.

Bill Young, Owner of Will-O-Crest Farms: Ground water wells will not add any useful value as its low probability material. It would move 1 foot in a year. A leak would be detected way before this time. The engineer builds to standards. Read a statement from the Ag & Markets regarding the lagoon and the reasons why the ground water systems won't be useful in this particular manure pit.

Steve Buerman, Board Member: Ground water monitoring will provide insurance. I don't see how this will be negative.

Rebecca Nealey, Resident: I agree. More testing sites are better and the more information to the residents is better.

Scott VanAken, Board Member: I agree with everything that Steve said.

Stuart Gwilt, Chairman: Any further questions?
(Hearing none)

A motion was made by Scott VanAken to approve the final site plan #4619-21 with pond operating requirements:

- Pond Depth Monitoring:
 1. A regular (at minimum monthly) logging of pond depth and “freeboard” remaining is required
 2. Pond levels are not to exceed the design engineers recommend maximum depth to ensure that there is sufficient freeboard available to handle any foreseeable excess water event
- Pond site and walls must be properly maintained:
 1. No evident erosion
 2. No animal holes
 3. Grassy exterior slopes
- Liner maintenance:
 1. Should the liner leak monitoring system identify a leak the pond will be drained and the leak fixed within one operating cycle of the pond.
- Ground water monitoring well required:
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 - a. Installation of four groundwater monitoring wells, equally spaced around the circumference of the pond are required.
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 1. Sampling and Testing
 - a. The ground water monitoring wells to be tested within 30 days of installation to establish a baseline” for future test results.
 - b. All monitoring wells to be sampled and tested annually
 - c. Proper procedure to be used for sampling
 - d. The annual samples are to be tested at a certified lab for:
 - Pathogens associated with animal manure
 - Phosphorus
 - Nitrogen
 - BOD
 - e. All test results to be kept on file and accessible to the zoning office.

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- Inspections and Annual review:
 1. Site inspections: The town zoning office may visit and inspect the condition of the manure pond on a regular basis to confirm that the site is properly maintained. Failure to maintain the pond site will require corrective actions on the part of the land owner.
 2. Pond depth/freeboard levels: Pond depth/freeboard records to be provided to the town zoning officer annually and at any time upon the request of the town zoning officer. Failure to maintain the pond at proper levels will require corrective actions on the part of the land owner.
 3. Ground water test results: ground water test results to be provided to the town zoning officer annually and at any time upon the request of the town zoning officer. Deterioration of the ground water test results from the bast line test results will require corrective actions on the part of the land owner.

Recommendations:

1. Looking into a proper location for the transfer station to ensure traffic safety.
2. Putting trees where its appropriate around the pond.

The motion was seconded by Lee Sanders. All voted “Aye.” Motion carried.

At this time the meeting was stopped at 8:47pm.

Previous Minutes:

A motion was made to approve the minutes from the meetings which took place on August 17th, 2021. All voted “Aye.” Motion carried.

Respectfully submitted,

Stuart Gwilt
Planning Board Chairman

Nichole Ruggles
Recording Secretary