

Town of Manchester Planning Board Meeting Minutes

July 20, 2021 – 7:00pm

Present: Scott VanAken, John Boeckmann, Jeff Flower & Lee Sanders - members, Stuart Gwilt, Chairman, and Nichole Ruggles, Recording Secretary

Absent: Steve Buerman, Julie Vanderwall and Steve DeHond, Code Enforcement Officer

Also, present: Bill Young, Frank and Beverly Santelli, Peter Wright, Rebecca Nealey, Tom and Sandy Hood, and Doris and Jim Kenny, Megan Webster, Carol and Steve Rush, Wilson Farnsworth, Larry and Jan Farnsworth, Alexander and Maureen Farnsworth, Matt Worden and Carole Kern, RN.

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.

Bill Young, owner of Will-O-Crest Farms: The reason to build the manure storage, is that the NYS regulations keep increasing, so this will allow us to store more manure and allow us to spread on our crops at appropriate times throughout the year. We chose this remote area to help the residents of the town, not to make things worse. I am aware of the concerns from the public. One concern is property values, because we live in an agriculture area, its already disclosed in the buy/sale of the property. We feel building the pit in this remote area will keep the odor down and wont travel as far, it's in an area of trees and hills. The health concern should be more concerning with the tank trucks in and out spreading the manure. This process is better contained and will cut down on the traffic with our trucks.

Jim Kenny, Resident: I have attended all of the meetings. I have pointed out several concerns, some of the board members also have concerns and questions regarding the manure storage. I feel as though the Town of Manchester and the board members are not investigating enough with the health concerns that we as residents have. We do not feel comfortable and feel legally that were being listened to. The health concerns are not being addressed. According to the CDC there is a lot of health effects and it's important we take the time to get answers. Is there plans to add more storage containers in the future?

Bill Young, owner of Will-O-Crest Farms: Geologically this is in the best spot, we have no plans for a 2nd storage container and no conversations about building another. In order to build another, we would need more land.

Steuart Gwilt, Chairman: Us as the board have very limited say on what we can and can't do, we can't change the laws in regards to the agriculture and markets farming rules. Steve Buerman, board member was unable to attend tonight's meeting but I want to review his concerns.

1. Environmental risk to the canal: The siting of the manure lagoon upon a natural waterflow pathway creates a risk that an overflow event will negatively impact the NYS canal at Port Gibson.
2. Surface water flow: The design as presented does not take into consideration an existing surface runoff swale that feeds into a small creek and subsequently the canal. Where will this surface water go after construction?
3. Groundwater contamination risk: A similar industrial waste water pond site would require multiple independent groundwater monitoring wells combined with monthly sampling and laboratory testing for things as detailed below. Should a CAFO manure pond be handled differently
 - A. coliform bacteria
 - B. nitrogen
 - C. phosphorus
 - D. BOD, biological oxygen demand

I as (Steve Buerman), think that this manure pond poses a risk to the environment and the areas ground water supply, however, if the planning board chooses to proceed with the variance, I think that it would be best if the variance was proposed as a special use variance

Town of Manchester Planning Board Meeting Minutes

July 20, 2021 – 7:00pm (cont.)

that requires an annual review and renewal for its continued existence. The annual review/renewal process will provide the neighbors the opportunity to voice their concerns and would ensure that the Town of Manchester has a path for corrective actions if problems arise.

Larry Farnsworth, resident: I have some of the same concerns as Jim Kinny spoke about. The CDC guidelines regards to health and property values, it says there should be a cover on the storage container. The flies carry bacteria. Why didn't zoning contact Carole Kern the health officer prior to this? She should have been notified. Where are the guidelines for the residents? The board should put restrictions on this pit. Will the board stand up? What happens when it rains? The soil and the water? I feel sorry for Mr. Young and his workers as this is affecting their health too. The CDC says more people should have been notified per the policy. The trees and hills blocking the smell. No, it doesn't its "Bull". I feel the board nor the town has put us first in any of this. Shame on you for not getting the health officer on board.

Stuart Guilt, Chairman: The agriculture and markets along with the DEC have been involved with this process.

Rebecca Nealey, Resident: I live on filed street, we as residents have a lot of concerns and we want to be heard. We are not against farming; we live in an agriculture area. The problem is we don't feel our concerns are being heard. Some of the other residents and I put money together to hire an attorney. Matthew Mitchell Esquire of the Law Firm Tully and Rinckey PLLC. There is just not enough information or evidence in the concerns of health, property values. There will be odor issues and it will have an adverse effect on us as residents. The board has the power to put in regulations and this comes from the attorney. We are asking for the board to do the right thing and provide more information. This is an 8 plus million-gallon storage, this will affect us negatively. Attached is a letter that was presented to the board by Rebecca.

Town of Manchester Planning Board,

My name is Rebecca Nealey and I'm a local resident from the community that will be negatively impacted by the manure pond proposed by Will-O-Crest Farm. The intent of this letter is to enter into legal record the following concerns voiced by the many residents who reside within a 3-mile radius of proposed manure pond.

1. The neighborhood has retained Matthew Mitchell Esquire of the Law Firm Tully and Rinckey PLLC to advise us of our legal rights in this matter.
2. For the record Will-O-Crest did not present the towns ACA with substantial evidence that the pit will not produce an undesirable change in the character of the neighborhood, or create a detriment to nearby properties, and furthermore has not provided any evidence that it will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood and surrounding areas.
Will-O-Crest simply says, "the facility will most likely have a minimal odor impact in small immediate area." **At 7 Plus million gallons** clearly the odor will impact the environmental conditions of our properties and will have an adverse effect on our property values.
3. We are submitting evidence to support our reason for concern in an article titled, "Understanding Concentrated Animal Feeding Operations and Their Impact on Communities." WE have provided a copy for each board member and would like minutes from tonight's meeting to reflect that we have done so.
4. WE would like the planning board to confirm that the site plan review has not occurred?
5. There is concern of a second manure pond being placed at the same location, is this the plan?
6. The Town of Manchester and Will-O-Crest Farm has not provided the public and local residents with sufficient information to address our concerns. WE are asking the board to do what is reasonable and table the voting until further evaluation can take place and our concerns addressed in a legitimate manner. The health and well being of your constituents depends on it.

Thank you,

The concerned residents of the Town of Manchester

Town of Manchester Planning Board Meeting Minutes

July 20, 2021 – 7:00pm (cont.)

Peter Wright, P.E from Cornell University: Best uses is to recycle manure back to the land, to do this, the manure has to be spread at appropriate times. The storage helps control this. Water quality in mind, it's the best practice. The pathogens (bacteria virus) declines when the manure is stored without a cover.

Scott VanAken, Board Member: Is there any less or any more manure spread on the crops?

Bill Young, Will-O-Crest Farms: No

Peter Wright, P.E from Cornell University: The federal agency has standards with health and safety as the best practice. Covers are rare and hard to maintain. It produces the same amount of gases with or without a cover. You have to be careful of studies that are out there, as there are different kinds of lagoons. The pit is surrounded by a fence with warning signs. Overall, this is in the best location surrounded by trees and hills.

Wilson Farnsworth Resident: Presented a survey map with his property location to the board. I am the closest property near this lagoon. 1969 I moved in on the north/east corner, with winds coming from the west the odor is very strong. The soil is crap and there has been sink holes caused by underwater movement. There is at least two on that property, one on the west and one on the south. Its gravel and sand. Was testing done? I am worried about the flies as well. Mr. Young did not need to come so close to my property. I am a retired land surveyor for 40 years of service. We should be looking into more ground testing before things move forward.

Carole Kern, Health officer: I have spoken with the DEC, Agg and markets and have been looking up all the concerns of the residents. I have been on the phone hours and hours with community residents. I drove around Will-O-Crest several days, and was unable to smell any odors. Sometimes, what I read that having a cover may cause more issues of concern. I understand the fly concerns. I have been doing my best to get research to help the public. I don't know what I can say or do to change much. The agricultural and markets along with the Town of Manchester have guidelines they have to follow along with all the check points of the farmers.

Lee Sanders, Board Member: We as the Town need to come up with an agreement for testing along with the health department.

Jim Kenny, resident: How do you feel Jeff, board member. Jeff responded by saying he is listening to all the concerns of the residents. John, board member how do you feel? John replied, I am leaning toward a cover for the pit but it sounds like that may not be the case to help solve concerns. Farmers are protected by local laws. Lee, how about you. Lee board member responded by I would like to see an annual review. It would give us the ability to bring back concerns to the code officer. Scott, what about you. Scott board member replied, we are only here based on the site plan review. We would vote on that but put in recommendations. What are the next steps asked Jim Kenny?

Scott VanAken, Board Member: We vote on the site plan and can add recommendations.

Resident: If there are sink holes on that property, we need to look into this.

Peter Wright, P.E: Test shows no sink holes, there was a 3-point testing done.

Scott VanAken, Board Member: If there was a sink hole, how stable is the liner if another sink hole were to occur? My thoughts are the engineer should be asked this question.

Bill Young, Will-O-Crest Farms: Geologist was hired to do these tests and nothing came back with any indication of a sink hole.

Peter Wright, P.E: It's not on top of a creek or under running water.

Resident: The board is voting on an incorrect map; the tree lines are not accurate. I have pictures to show. This resident and Bill Young went back and forth regarding the tree lines

Town of Manchester Planning Board Meeting Minutes

July 20, 2021 – 7:00pm (cont.)

and the survey map. Shame on the board if you vote on an incorrect survey map.

Bill Young, Will-O-Crest Farms: There would be a leak detection system, it would leak into observation well with a closed valve. This is kept closed at all times. Weekly checks from us and monthly inspections from the DEC. If there were to be a leak it would be contained in that one area, in the manhole.

Dorris Kenny, Resident: When is enough enough? They get a lot of leeway to farmers. We have no say in anything? We will be “The Manure Chosen Spot” of the Town of Manchester. This is too much in our small area. It’s worse now than it ever has been. It smells in the AM and smells in the PM, most of the time. We want quality of life, clean air and water.

Rebecca Nealey, Resident: Are you shipping out manure to other farmers? Is there an over flow alarm?

Bill Young, Will-O-Crest Farms: No, we would only ship out manure if another farmer was in an emergency basis. There is no need for an over flow alarm because there is a weekly inspection, so that is the alarm with the weekly checks.

Scott VanAken, Board Member: I don’t know if I am comfortable and unsure of making a motion. I would like to See additional testing points, and groundwater testing. New test points with the possibility of sink holes. We need to look into the possibility of a cover. I would like to see a statement from ag & markets on approved statements of concerns. I do not want to vote, if the survey map is incorrect until I meet with the engineer. I would like to see a yearly use variance review that would be mandatory. I want to thank you to the public for bringing up all concerns and questions regarding this manure storage.

Lee Sanders, Board Member: What happens with the plan if its decommissioned? If so, I would like to see the plans. Is there a future of more manure ponds?

With continued concerns and questions from not only the board members, but the community residents as well. Chairman, Stuart Gwilt closed the public hearing. No motion to vote until next planning board meeting held on August 17th, 2021. During this time the members of board and the Town of Manchester will be contacting the Agricultural and Markets, DEC, along with the engineer to clarify some answers. (See below for the concerns that are in question), once we get feedback, we will post in on the Town of Manchester’s web page for the community to review. All in favor “Aye”. to post pone.

Site plan drawing:

1. Is there an engineering discussion needed based on 3 test points on the site and the new information of multiple sink holes that exist on the property?
 - A. What was the conclusion of the geological study that was done with engineering system on this site?
 - B. Do we need addition ground water testing points based on soil conditions to ensure all side of the storage facility are captured?
 - C. Further consideration to a cover?
2. Is the survey map properly completed?
 - A. There were some residents who believe the map is incorrect relative to:
 1. Actual grade elevations used for the drawing vs actual now.
 2. Tree density on the drawing vs the property that has been logged, map shows full density that residents feel is not there and comments concerning buffering are inaccurate due to the drawings depicting incorrect information.
 3. The design as presented does not take into consideration an existing surface runoff swale that feeds into a small creek and subsequently the canal. Where will this surface water go after construction?

Town of Manchester Planning Board Meeting Minutes

July 20, 2021 – 7:00pm (cont.)

Ag & Markets:

1. Can we get any confirmation from the concerning the approval process and that the health of surrounding residents is taken into consideration, specifically concerning concentration of manure storage facilities in a small area of the town?
2. What would be the limit of the concentration as it relates to the public?
3. Just a general question, how do decommissioning plans work, are they time based?

Stuart Gwilt, Chairman: Any further questions?

(Hearing none)

At this time the meeting was stopped at 9:35pm.

Previous Minutes:

A motion was made to approve the minutes from the meetings which took place on June 15th, 2021. All voted “Aye.” Motion carried.

Respectfully submitted,

Stuart Gwilt
Planning Board Chairman

Nichole Ruggles
Recording Secretary