

Town of Manchester Planning Board Meeting Minutes

June 15, 2021 – 7:00pm

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

Absent: John Boeckmann and Julie Vanderwall

Also, present: Bill Young, Frank and Beverly Santelli, Bill O'Hanlon, Carol Deland, Doug Cummings, Shawn Logue, Megan Webster, Jay Fagner, Rebecca Nealy, George Mueller, Thomas Leroy, Mary Reeser, Tom and Sandy Hood, and Doris and Jim Kenny.

Site Plan Approval #4615-21: Leonard's Express who is requesting a site plan approval to relocate access road and add a refrigerated warehouse on property located at 20 Cabbage Patch Lane, part of tax map no. 44.00-2-65.000 in a M-3 district pursuant to Section 325-18.1 & 325-75-J-1-6. Surrounding neighbors were notified of this hearing.

Stuart Gwilt, Chairman: Mr. Gwilt reviewed the site plan at this time.

LaBella Associates project engineer spoke and presented visual site maps of the project. The leach fields are in compliance as well as in compliance with the town. The state environmental quality review (SEQR) regulations show no negative impact and compliance with the Towns law. All comments are being addressed by the Ontario County Board of Planning that was held on June 9th, 2021. Comments made for the site plan are as followed.

1. Ontario County supports equipping proposed warehouse building with rail compatible loading dock.
2. The M-3 Rail Enabled industrial zoning district 325-18.1 required the following items not included in the referred application materials:
 - a. Verification from the railroad operator that the proposed alignment has been reviewed and approved and will provide safe and efficient access.
 - b. A landscaping plan showing landscaping across building frontages, along property boundaries and pedestrian walkways, and in employee and visitor parking areas.
 - c. An emergency response plan.
3. What type of refrigerant will be used and have the local fire departments assessed their ability to respond to a fire at a building of this nature?
4. Is it reasonable to project that a perishables warehouse will generate site traffic comparable to a non-perishables warehouse?
5. Has the applicant contacted utility companies to confirm availability of sufficient gas and electric capacity?
6. Will potable and fire flow water be provided by the Newark, Palmyra, or Manchester public water system?
7. Will any explosive be required to extend utilities as indicated given depth to bedrock?
8. The site plan should include conceptual layout of future development including the +367,500 SF of warehouse space envisioned in the traffic and geotechnical analyses. Where is the location of required 35 percent green space as required by zoning? The site plan incorrectly identifies required green space as 30 percent.
9. The site plan documents should identify location of federal wetlands.
10. The small-scale colored site plan indicated the proposed front setback is 88' when 150' is required.
11. What is the height of proposed lights poles along the road?
12. The referring board should refrain from acting on this application until NYS Health Department review and approval of the proposed septic system.

OCSWCD Comments:

1. Ensure that concrete truck washout facility is placed far enough from wetland.
2. Lacking details on bio-retention facility.

CPB Comments:

1. What retained vegetation or landscaping is provided within the 150' setback to screen residential uses in Shortsville and along CR 13 from truck headlights and large buildings?

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

A motion was made by Scott VanAken to approve the final Site Plan approval # 4615-21 submitted by Leonard's Express who is requesting a preliminary site plan approval for site plan to relocate road and add a refrigerated warehouse on property located at 20 Cabbage Patch Lane, part of tax map no. 44.00-2-65.000 in a M-3 district pursuant to Section 325-18.1 & 325-75-J-1-6. The motion was seconded by Jeff Flower. All voted "Aye." Motion carried.

Site Plan Approval #4619-21: Will-O-Crest Farms requesting 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. Surrounding neighbors were notified of this hearing.

Stuart Gwilt, Chairman: Mr. Gwilt reviewed the site plan at this time.

Bill Young, owner of Will-O-Crest Farms: We picked the most remote location on our property to hold this storage facility. The storage is about 1700 feet from the nearest home. This would allow pumping from the storage to the fields instead of tankers in and out of the fields and road ways. The odor would be cut down substantially. We are hoping at some point that we would use a cover on the storage container, but this is still in planning stages. I spoke with some local realtors as it's a concern that area residents would lose property values. I was told there are no cases where this has happened because it's in an agriculture area. The HDP liner for the storage has a leak detection system that would alert if there is a leak to prevent contamination. This alert system is there to protect the environment.

Steve Buerman, Board member: The HDP liner is a good liner, what is the procedure? And is it monthly?

Bill Young: Yes, there is a drain on the outside to make sure no brown water goes into the ground water, this is the observation well and it would be monitored regularly.

Steve Buerman, Board member: In regards to the contamination of groundwater, is there any similar industrial pond construction that would require the installation of a series of perimeter groundwater monitor wells and monthly testing of the well water for contaminants? I would think that a similar level of concern should be applied to this manure pond? In regards to the contamination of surface water, the pond appears to be sited on a surface drainage flow path that leads directly to the Port Gibson Pond and subsequently into the canal. I do not see any redirection of this surface flow path in the topographical map. Where will this water flow in the future??

Jim Kenny, Resident: Is there variance cost considerations? If you don't get the storage container, will it cost more if your denied?? Is this funded by NY State??

Megan Webster, District Manager from Ontario County soil & water conservation: There is a certain cost for the grant, they look at the full cost of the storage unit and given three different estimates. The cost would be about 65/35. Any additional funds the farmers cover the costs. These grants are there to help support the agriculture farmers.

Jimm Kenny, Resident: I am asking to request a cover and consider the residence concerns regarding the orders. They don't want an (open pit). Us residents want our voices to be heard.

Rebecca Nealy, Resident: I'm not all against the storage, I just want and need more answers. People feel left in the dark. How does the process work?

Steve Buerman, Board Member: Us as the board have to abide by the Code, if it doesn't then it goes to the Zoning Board of Appeals to get a variance.

Jan Farnsworth, Resident: I spoke with several realtors and they are saying we would have to enclose in the buy/sale of a home that they have a manure pond close by.

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This will affect our property value.

Carol DeLand, Resident: I still live on a well, will this affect my water quality? If it gets contaminated, what do we do?? We sill drink the water.

Bill Young, Will-O-Crest: There are set backs to make sure they don't build systems by wells. Research shows that no one has had contaminated wells.

Scott VanAken, Board Member: This is why it is important of test points and monitoring and testing be done on a monthly basis. It's the reason engineers placed the unit where it is to protect the natural resources.

Doris Kenny, Resident: Please consider that in one mile this would be the 5th storage unit in regards to the future.

Jim Kenny, Resident: Putting a manure storage on Thompson Road, Bill told us it's a cost saver for the business. What about us as the residents?

Larry Farnsworth, Resident: I have really big concerns on heath related issue and the ponds. They can leak into the canal, disturb the ground water. This is a huge health issue and they have to disclose of these issues and I believe there are more than one. Are there bacteria in these ponds? What about viruses?

Steve Buerman, Board Member: The only impact the board can make is the setback distance. We can make comments and suggestions but nothing else. We cannot vote yes or no on the project. I suggest that the surface drainage be corrected in the drawings, due to the risk of the canal and Port Gibson Pond. Ground water monitoring wells and monthly testing to be included. As the ZBA reviews, and if they approve, we suggest that they be set up as a "Special use variance with annual review and renewal".

Ontario County planning board meet on June 9th, 2021. The comments from this meeting are as follows:

1. What is the distance of the waste transfer pipe from the property line?

OCSWCD Comments:

1. See page 2.38 of New York State standard and specifications for erosion and sediment control for mulching standards (2 tons/ac and then increased to 4 tuns/ac for winter operations).
2. Maure ponds are a best management practice recommended by NYS Ag & Markets, NYS DEC and the US Natural Resources Conservation Service.
3. Odors (and compounds) from manure storage are exempt from NYS DEC air permit regulations. Neither NYS Ag and Markets nor Cornell Cooperative Extension has standard or published levels on air quality related to manure ponds. Penn State University has published data that indicates organic (sand) bedding such as used by Willow Crest does not produce elevated hydrogen sulfite levels as have been observed when gypsum bedding is used.
4. The proposed location is the preferred location in spite of the need for a variance in part because the site is underlain by impermeable dense glacial material in the drumlin which provides additional assurance of not ground water impacts.
5. The Manure Pond is subject to NYSDEC inspection of the facility and maintenance logs with fines levied for evidence of lack of maintenance activities.

CPB Comments:

1. Board member offered antidotal information about living within 1 mile of two large manure ponds while not aware of or bothered by odors, in fact, did not know ponds existed until recently.
2. In response to questions from Board members and public comments, the applicant offered the following additional information:
 - a. The proposed pond will enable the applicant to meet changing NYSDEC limits on manure spreading on snow covered, frozen, or saturated ground that necessitate additional storage. The pond will also reduce reliance on current practice of using smaller 20,000 gallons tank that are filled and emptied by tanker truck and therefore placed closer to roads and homes.

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- b. The applicant will use hoses to transport manure up to 1.5 miles from animal feeding areas to the manure storage pond and from the pond to their fields for spreading.
- c. The role of the proposed pond in the nutrient management plan is to apply manure when it is most useful to crops; the pond may be low or empty during the summer.
- d. The future waste transfer pipe is not part of the proposed application; if easements can be secured, a fixed transfer pipe could replace the hose transport system,
- e. Pond aeration will be undertaken with a remote-controlled jet boat, not aerial aeration to minimize odor.
- f. Only methane digesters can accept landfill leachate, not manure storage ponds.
- g. Applicant offered to meet with any concerned area residents.

Megan Webster, District Manager from Ontario County soil & water conservation: Due to the level of concerns regarding health and odor among other things, I will help as much as possible and will offer my business card and get as much data and research as I can to help answer any questions.

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

Nichole Ruggles, Secretary: I requested information from Megan to pass on to the residents with helpful information on health, odor and environmental. As soon as I get this information, the town will post on the website for the public to review. There still continues to be a lot of uncertainty in regards to the storage container.

The motion was made by Jefferey Flower to deny the site plan regarding Will-O-Crest Farms site plan 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. and move to the ZBA (Zoning Board of Appeals), with suggestions on surface drainage and mandatory well checks. At this time the meeting was stopped at 8:20pm. Motion was seconded by Stewart Gwilt. All voted "Aye." Motion Carried. The ZBA will hold a meeting on July 6th, 2021 at 7pm.

Previous Minutes:

A motion was made to approve the minutes from the meetings which took place on May 25, 2021. All voted "Aye." Motion carried.

Respectfully submitted,

Stuart Gwilt
Planning Board Chairman

Nichole Ruggles
Recording Secretary