

*The following minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Town of Phelps Planning Board. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions.*

“Pursuant to Executive Order 202 applicable during the pending COVID crisis, the Town Board and Guests have the option to participate by physically attending and/or electronic means using Teams Meeting or conference phone.”

**1. Call to Order** Chairman Allen called to order the regular meeting of the Town of Phelps Planning Board at 7:00 p.m. at the Phelps Town Court and Meeting Room.

**2. Pledge of Allegiance**

**3. Introduction of Board Members**

**Present:** Chairman Ron Allen; Board members Dave Clark; Louie Denes; Samantha Minns; and Code Enforcement Officer Andrew Campbell.

**Excused:** Kim Ess; alternate Patrick Ryan

**Public Attending:** Missy Spence of Outlet Acres; Jim Burdett & Garrett Lusk (virtual) of RevLNG; Mary Bartolotta, 697 Pelis Road, Sara Hafner, Dick Marthall; Bill Wellman, Town Board liaison.

**Review of Minutes:**

Mr. Denes moved to accept the draft minutes of the July 1, 2021 special virtual meeting. Mr. Clark seconded. Mr. Allen abstained. The motion carried.

Mr. Denes moved to accept the draft minutes of the August 26, 2021 meeting. Ms. Minns seconded. The motion carried.

**4. Public Hearings:**

**SD21-08:** Outlet Acres, LLC, located at 2402 County Rd 25, Clifton Springs, NY is requesting a lot line adjustment removing +/- 39.496 acres from tax map 34.00-3-15.120 and merging +/- 39.496 acres to tax map 34.00-3-18.110. Said adjustment will not change existing road frontages.

Chairman Allen opened the Public Hearing at 7:13 p.m. and closed it at 7:14 p.m. with no comment. Mr. Allen went through the Part 2 and 3 of SEQR. The board gave their approval of all answers.

Mr. Clark made a motion to approve Application SD21-08 for Subdivision of Lands of Outlet Acres, LLC, located on the north and south sides of County Road 25 approximately 0.55 miles west of Bell Road. For the purpose of subdividing and making a Lot Line Adjustment by subdividing 39.496 acres of land from Tax Map Parcel 34-3-15.21 and annexing it to Tax Map Parcel 34-3-18.11. No additional lots are created by this subdivision. And the map prepared by Gary L. Dutton, PLS entitled “Subdivision Map of Portion of Lands of Outlet Acres, LLC” dated July 27, 2021 be designated as the Final Plan.

And furthermore, he found that the applicant has met the requirements for subdivision of land pursuant to Chapter 123 of the Phelps Town Code Based on Part 1 of the Short NYS Environmental Assessment Form completed by the applicant and the review and completion of Part 2 and Part 3 by the Planning Board. The board therefore made the determination that this is a SEQR Unlisted Action with No or Small impact and therefore grant a negative declaration.

Mr. Denes seconded the motion. The motion carried.

**SD21-09:** REV LNG, LLC located at 20 Assembly Drive, Mendon, NY is requesting a subdivision of tax map # 49.00-1-59.112. The request proposes subdividing 3.1 acres of the existing parcel preserving much of the frontage of the property to remain with the current landowner, Gary Palone. REV LNG will purchase the remaining 30 acres.

After a brief discussion, Chairman Allen opened the Public Hearing at 7:25 p.m. and closed it at 7:26 p.m. with no comment.

The board gave their approval of all answers on Part 2 and 3 of SEQR.

Mr. Clark made a motion to approve Application SD21-09 for Subdivision of Lands of Gary J. Palone located on the east side of Hayes Road approximately 0.3 miles south of New York State Route 96 for the purpose of subdividing Tax Map Parcel 49.00-1-59.112 into 2 lots. Lot 1 containing 3.038 acres and Lot 2 containing 30.647 acres. And the map prepared by Thew Associates Land Surveyors entitled "Subdivision Plan Lands of Gary J. Palone Tax Parcel 49.00-1-59.112" dated September 7, 2021 be designated as the Final Plan. With the following Conditions to be added to the plan:

1. Subdivision Intent Note
2. Zoning Bulk Data Table
3. 3 x 5" Approval Box with appropriate wording for Subdivision Approval
4. The 3 acre parcel be labeled Lot 1 and the 30 acre parcel be labeled Lot 2
5. Tie distance from the northwest corner of lot 2 to NYS Rte. 96 be shown
6. The road centerline dimensions of the 3 acre parcel (Lot 1) be added
7. Fence encroachments, etc., along the southerly lot lines be shown

Based on Part 1 of the Short NYS Environmental Assessment Form completed by the applicant and the review and completion of Part 2 and Part 3 by the Planning Board. The board therefore made the determination that this is a SEQR Unlisted Action with No or Small impact and therefore grant a negative declaration.

Ms. Minns seconded the motion. The motion carried.

**SP21-12** – Rev LNG, LLC is requesting site plan approval to construct a renewable natural gas (RNG) truck unloading facility. The RNG will be produced and processed at existing dairy farms through NYS. The clean RNG will be unloaded, measured and injected into an existing transmission pipeline located on Hayes Rd, Phelps at Tax map# 49.00-1-59.112.

After a brief discussion, Chairman Allen opened the Public Hearing at 7:42 p.m. and closed it at 7:43 p.m. with no comment.

The board gave their approval of all answers on Part 2 and 3 of SEQR.

Mr. Clark made a motion to grant Preliminary Site Plan Approval for Application SP21-12, for applicants Rev LNG, LLC. 20 Assembly Drive, Mendon, NY. Property currently owned by Gary & Eileen Palone, 2085 State Route 14, Geneva, NY. The Site being located the east side of Hayes Road, approximately 1595± feet north of Cross Road. Being a portion of Tax Map Parcel 49.00-1-59.112 and containing 30.647± acres of land, for the purpose of building a Renewable Natural Gas (RNG) truck Unloading Facility. And the plans presented tonight prepared by RevLNG LLC entitled "REV Renewable Tap Station", dated August, 2021 be designated as the Preliminary Plan.

With the following Conditions:

1. Final Engineered Plans be submitted to the Town of Phelps for review.
2. The Town reserves the right to submit to Town of Phelps Engineer for review.

And furthermore, he found that the applicant has met the minimum requirements for Preliminary Site Plan Review pursuant to Chapter 115 of the Phelps Town Code. Based on Part 1 of the Short NYS Environmental Assessment Form completed by the applicant and the review and completion of Part 2 and Part 3 by the Planning Board. The board therefore make the determination that this is a SEQR Unlisted Action with No or Small impact and therefore grant a negative declaration.

Ms. Minns seconded the motion. The motion carried.

**OPB21-02** – Mary Bartolotta is requesting a modification to her existing On-Premise Business Special Use permit to allow the residence and business to be sold to separate entities and the business to be relocated. The request is for up to 90 days subsequent to the closings.

After a brief discussion, Chairman Allen opened the Public Hearing at 7:52 p.m. and closed it at 7:57 p.m. with no comment.

The board gave their approval of all answers on Part 2 and 3 of SEQR.

Mr. Clark made a motion to approve Application OPB 21-02 for an On Premises Business Modification on lands owned by Mary Bartolotta located at 697 Pelis Road. The site being located on the north side of Pelis Road, approximately 0.22 tenths of a mile west of NYS Route 88. Being Tax Map Parcel 23.00-1-61.214 containing 1.194± acres of land, for the purpose of extending the time for manufacturing, packing and moving the existing business off the current premises because the business is being sold. The time to be extended for up to 120 days from the approval of this application. Based on Part 1 of the Short NYS Environmental Assessment Form completed by the applicant and review by the Planning Board. We therefore make the determination that this is a SEQR Type 2 Action per 617.5 – Paragraph C – Item #18 and no further action is required.

Mr. Denes seconded the motion. The motion carried.

**5. Training -**

Mr. Campbell referred to the agenda & the Ontario County training page on-line for future training list opportunities.

**6. Public Comment – None**

**7. Adjournment –**

Mr. Allen moved to adjourn the meeting at 8:05 p.m. Mr. Denes seconded. All in favor, motion carried.

Respectfully submitted,



Susan C. Campbell  
Recording Secretary