

**MINUTES
SENECA COUNTY PLANNING BOARD
MAY 9, 2013**

**HEROES 9-11-01 CONFERENCE ROOM
COUNTY OFFICE BUILDING
WATERLOO, NEW YORK**

MEMBERS PRESENT: Betty Berger, Gordon Burgess, William Dalrymple, Donald Denman, Edward Franzoni, Jack Freer, Pam Kirk, Tom Scoles, John Swanson and Lawrence Kesel

ABSENT WITH NOTICE: Charles Boehnke, Sally Kenyon and Mark Lott

ABSENT WITHOUT NOTICE: Keith Beck and Michael Scaglione

STAFF: Harriet Haynes, Planner and Mary DeStefano, Staff Resources Asst., Department of Planning and Community Development

GUESTS: None

The meeting was called to order at 7:12 p.m. by Chairman William Dalrymple.

The Minutes of the April 11, 2013 meeting were approved by a motion of Tom Scoles and seconded by Lawrence Kesel. Carried 10 – 0.

PUBLIC COMMENTS: None.

GML Reviews:

Ms. Haynes apologized for having given the wrong municipalities for GML Reviews on the May 9 Agenda. She inadvertently listed "Town of Lodi" instead of "Town of Ovid" for the Local Laws. The "Town of Fayette" was also given incorrectly instead of the "Town of Seneca Falls" regarding the Rossignol application.

1) John Swanson moved and Lawrence Kesel seconded adoption of Resolution 14-13, which recommends the adoption of TO 2013-LLA, Town of Ovid Local Law A to Repeal the Mobile Home Code of 1974 Regulations for the placement of multiple mobile home units on the same parcel of land. Ms. Haynes stated that manufactured housing must be regulated consistent with the National Mobile Home Construction and Safety Standards Act of 1974 and the New York State Uniform Fire Prevention and Building Code, both are enforced by the Seneca County Code Enforcement Office and the Public Health Department. It is the opinion of the New York State Attorney General that a member of the Town Board may not serve as the Town's Enforcement Officer. Ms. Haynes stated that such issues as parking, trash removal, internal roads, size of individual lots in relation to the size of unit, common recreation area, etc., should be addressed by the Town Planning Board and Town Board for adoption of regulations that pertain to the installation of multiple mobile homes on the same parcel. The repeal should have minimal countywide or inter-municipal impacts. Carried 10 – 0.

2) Gordon Burgess moved and Betty Berger seconded adoption of Resolution 15-13, recommending the request for adoption of TO 2013-LLB, Town of Ovid Local Law B, Repeal of the 1974 Noise Ordinance, be left solely to local determination. As stated in Proposed Local Law B of 2013: "It is currently the opinion of the Town Board that this Ordinance may be void and/or unnecessary under various existing State and/or local enactments, including the Town's Local Law providing for licensing, identification and control of dogs. Further, this Ordinance prohibits prosecution; therefore, unless sworn statements from "at least three people residing in the Town of Ovid, at the time of the alleged

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disturbance” be filed with the Justice of the Peace, thereby discriminating against non-residents, including law enforcement officials, who may wish to file legitimate complaints and, further, contradicting the provisions of the Criminal Procedure Law of the State of New York, pertaining to local criminal court accusatory instruments’ facial sufficiency.” Carried 10 – 0.

3) John Swanson moved and Gordon Burgess seconded adoption of Resolution 16-13, recommending the following for Kathleen Rossignol’s property: the requested Variance to the total area of proposed Parcel B be denied; that the Area Variance to the minimum lot frontage be conditional upon it being a frontage of no less than 120’; and that the Subdivision approval be conditional upon Parcel B being increased to a minimum of 30,000 Sq. Ft., the minimum required area under the Town of Seneca Falls Zoning, with a minimum frontage of 120’. Ms. Rossignol’s property is located on Bauer Road in the Town of Seneca Falls. Land consists of a total of 5.673 acres and is proposed to be subdivided into Parcel A consisting of 5.333 acres and Parcel B of .34 acre. Ms. Haynes stated that the minimum of 30,000 Sq. Ft. per lot is required in the R-1 Zone where no public sewer is available. The minimum frontage in the Town of Seneca Falls Zoning for R-1 lots without both public water and sewer is 150’. The smaller lot being proposed is approximately 15,040 Sq. Ft. and a frontage of 72.3’. Ms. Haynes stated that this is a severe modification of the minimum zoning requirements and the applicant has provided no justification for this request. The proposed .34 acre parcel currently has a storage/garage type structure on it. Ms. Haynes stated that the small lot size is inconsistent with the current residential character and could have difficulties being developed due to limitations on installing required septic systems. The property is not in an Agricultural District. Carried 10 – 0.

4) Tom Scoles moved and Gordon Burgess seconded the adoption of Resolution 17-13 which recommends denial for an Area Variance request relative to signage for the Clarence Hotel, former Gould Hotel, on the corner of Fall Street and State Street, in the Town of Seneca Falls. The Variance would allow the “Clarence” sign to extend 42” and the Code allows 3’. The Hotel is in a C-1 Commercial Zone. The Village of Seneca Falls Zoning section 250-33-C-2 requires that “no sign in a nonresidential district shall project more than 3’ from the main wall of a building nor shall any sign project into a public way.” Ms. Haynes stated that the definition of “public way” according to Merriam-Webster on-line Dictionary states “Public Way as a passageway (as an alley, road, highway, boulevard, turnpike) or part thereof (as a bridge) open as of right to the public and designed for travel by vehicle, on foot, or in a manner limited by statute (as by excluding pedestrians or commercial vehicles).” The Fall Street face of the Hotel Clarence is the municipal sidewalk. Ms. Haynes stated that currently, awnings are the only extended objects over the sidewalks Downtown. Ms. Haynes further stated that there are other concerns beyond the extension over the walkway. Signage that extends from buildings may have a “snowball effect” with each successive sign needing to extend further to be seen. Additionally, the prohibition against signs extending over public ways is considered as a way to restrict liability for the community. If an extending sign were to fall on the public way and someone was injured, then the entity that approves its installation could be considered in the chain of liability. Ms. Haynes stated that under the Village of Seneca Falls Zoning, proposed signage in the Historic District shall be subject to the Regulations set forth by the Historic District Commission. Until the Village of Seneca Falls’ current Zoning is unified with the Town Zoning which is until the end of 2013, the Village Regulations are still being enforced. The application has no information indicating that the Historic District Commission has reviewed or approved the proposal nor does it show that approval has been granted from the New York State Department of Transportation. Ms. Haynes also stated that with the Town compiling the Zoning Code into one document, careful consideration should be made regarding regulations for signage in the Downtown area. The granting of a Variance that violates basic concepts (such as extension over a public way) could form a significant precedent that would drastically change the character going forward and have long reaching unintended impacts on the community. This action could ultimately have a negative impact on the visual character of one of the County’s major tourism destinations. Carried 10 – 0.

OLD BUSINESS: None.

NEW BUSINESS:

Review of Agricultural District #12:

Ms. Haynes stated that there was a Public Comment period to receive comments for proposed modifications to Agricultural District #12. Municipalities and landowners within the district had the opportunity to request inclusion or removal of property. Between 2013 and 2014, all three Agricultural Districts within the County will be reviewed. Ms. Haynes stated that during the last review, eleven Agricultural Districts were consolidated into three Districts. The map of District #12 was shown delineating the properties.

Questions were raised regarding what the advantages are of being in an Agricultural District. Ms. Haynes stated that a landowner has the possibility of getting the agricultural value assessment without doing the annual commitment and is covered under the New York State Right-to-Farm Protection Law. Mr. Swanson stated that individual towns are adopting local Right-to-Farm Laws.

There being no recommended modifications to Agricultural District #12, John Swanson made the motion to recommend recertification of Agricultural District #12 and Donald Denman seconded. Carried 10 – 0.

Review of Request for Individual Parcel being included into Agricultural District #8:

During the Public Comment period for inclusion of individual parcels into the Agricultural Districts, an application was received from Lucinda McWeeney regarding her property located on Cayuga Lake at the very southern edge of the Town of Fayette, Tax Map Parcel #30-2-19.1. At the time the property was purchased in 2002, Ms. McWeeney thought the property was in the Agricultural District, but later learned that it was not located in the District. Her application states that 15 acres of her property are being leased to Mr. Jeff Rosenkrans who uses the land for cropping, pasturing and tree removal. At this time, Ms. McWeeney requests that her property be included in Agricultural District #8.

This led to further discussion of the advantages/disadvantages of being in an Agricultural District. Ms. Haynes stated that any advantage of being in an Agricultural District only applies when the property is part of an active farm operation. The agricultural value of the property is based on soil types.

Ms. Haynes stated that if a property owner decides to remove property from the agricultural production and the parcel has received an agricultural value assessment, the taxing jurisdiction may require that the difference of the agricultural value and full value be paid.

John Swanson made the motion to recommend recertification of Agricultural District #8 with the modification of including Tax Map Parcel #30-2-19.1. Betty Berger seconded. Carried 10 – 0.

Ms. Haynes stated that the next step will be for review at the next Board of Supervisors Planning, Development, Agriculture and Tourism Committee meeting. A Public Hearing will then be scheduled and followed by vote of the full Board of Supervisors. The last step is to submit recommendations to the New York State Department of Agriculture and Markets which gives final approval of recertification.

Training:

Board member, John Swanson, reported on attending an informational meeting on fracking. Geologist, Brayton Foster, was one of the presenters. The topic of fracking was discussed at length. Ms. Haynes stated that members of the County Planning Board may receive training credits for attending meetings regarding the potential impact of fracking.

Harriet reminded Board members that she will be driving a county van to the May 16 Regional Local Government Workshop to be held at the Burgundy Basin Inn in Pittsford, if anyone is interested in joining her.

The meeting adjourned at 8:20 p.m. by motion of John Swanson.

Respectfully submitted,

Mary DeStefano
Staff Resources Asst.