

**MINUTES  
SENECA COUNTY PLANNING BOARD**

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

**AUGUST 8, 2013**

**MEMBERS PRESENT:** Keith Beck, Betty Berger, Gordon Burgess, William Dalrymple, Donald Denman, Edward Franzoni, Jack Freer, Sally Kenyon, Lawrence Kesel, Pam Kirk, Linda Ochs (Alternate), Michael Scaglione and John Swanson

**ABSENT WITH NOTICE:** Charles Boehnke, Mary Kelleher (Alternate) and Tom Scoles

**ABSENT WITHOUT NOTICE:** Mark Lott

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

**GUESTS:** Daniel Blamowski, P.E., SRF Associates, and Laurel Callahan

The meeting was called to order at 7:00 p.m. by Chairperson Dalrymple.

Chairperson Dalrymple appointed Linda Ochs, alternate member, to sit in for absent member, Tom Scoles.

Alternate member, Linda Ochs, stated that under GML Review #2, Resolution 23-13, Preliminary Site Plan Review for a multi-phase development of rail facilities for Seneca Meadows, she thought she was seconding an amendment to remove the two conditions as discussed. Ms. Ochs did not understand that she was seconding adoption of full Resolution #23-13 as moved. Therefore, Ms. Ochs stated that for the record, she requests that a notation be made that she was seconding an amendment to remove the two conditions, not seconding full Resolution 23-13.

Board member, Lawrence Kesel, was inquiring as to what the policy is regarding contacting department staff about being absent from a County Planning Board meeting. He stated that he was placed under "absent without notice" when he notified Ms. Haynes by e-mail on Thursday, July 11, after the Planning Office had closed (5:52 p.m.). Ms. Haynes stated that there is no such policy regarding a deadline for notification to staff when a member will be absent from a meeting. Harriet indicated that in the 30+ years as staff to the County Planning Board, this has never been addressed. Mr. Kesel stated that it was his intention of attending the meeting; however, injured himself and was not able to contact the office at an earlier time. An amendment to the July 11, 2013 minutes is made showing Lawrence Kesel's name under "absent with notice" and removing his name from "absent without notice."

The Minutes of the July 11, 2013 meeting were approved as amended by a motion of Linda Ochs and seconded by Lawrence Kesel. Carried 13 – 0.

**PUBLIC COMMENTS:**

Mr. Daniel Blamowski, P.E., of SRF Associates, spoke on behalf of the proposed Tim Hortons Restaurant to be housed in the former Savings Bank of the Finger Lakes building in the Seaway Plaza located on Route 5&20 in the Town of Seneca Falls. Mr. Blamowski stated that the 3,000 sq. ft. building will be fully renovated to operate as a full service restaurant with use of the existing window for drive-thru orders. Peak hours of service have been identified as 7:00 to 9:00 a.m. and 11:00 to 1:00 p.m. The restaurant is being marketed as a café bake shop. A 6 – 8' countertop will be installed for the operation of a Cold Stone Creamery. Mr. Blamowski stated that a traffic study was conducted and submitted, and that the proposal will go before the Seneca Falls Town Board on August 22.

(OVER)

## **GML Reviews:**

### **1) Town of Seneca Falls, Site Plan Review, Tim Hortons**

John Swanson moved and Donald Denman seconded adoption of Resolution 27-13, recommending the request for a Site Plan Review is left solely to local determination. The request was submitted by Tim Hortons, with Fisher Associates as the Agent, for the proposed restaurant to be located on Route 5&20 in the Town of Seneca Falls. As stated previously, the restaurant will be located in the structure which was formerly used as the Savings Bank of the Finger Lakes. The building is located in a C-2 Highway Commercial Zone. Ms. Haynes stated that Tim Hortons will be installing traffic signage and curbing to control traffic flow within the plaza. There should be no adverse impact on local traffic on the State Highway. Ms. Haynes stated that she has not heard anything more on the proposed gas station to be built in the plaza. It is anticipated that the restaurant will be open 24 / 7. Carried 13 – 0.

### **2) Town of Seneca Falls, Minor Subdivision, Wendy & Donald Proctor**

Gordon Burgess moved and Pam Kirk seconded adoption of Resolution 28-13, which recommends conditional approval for a Minor Subdivision request submitted by Wendy and Donald Proctor for property located on Lower Lake Road in the Town of Seneca Falls. The property consists of .665 acres and has a garage situated on one corner of the property. Both parcels are intended to be sold to an adjacent property owner. Parcel A which is just over half an acre is to be sold to the property owner to the north that extends behind the parcel. Parcel B which contains the garage and is just over a tenth of an acre would be sold to the owners to the south. Ms. Haynes stated that these sales will "square off" both of the adjacent property owners' lots which are "L" shaped and extend behind the parcel to be subdivided. Parcel B as a substandard lot needs to be made part of an adjacent parcel. Ms. Haynes stated that the transfer of property has already been worked out with the neighbors. Conditional approval is recommended upon the parcel identified as Parcel B on the subdivision map is made a part of an adjacent parcel. Carried 13 – 0.

### **3) Town of Seneca Falls, Use Variance, Z Venture Corporation**

John Swanson moved and Betty Berger seconded adoption of Resolution 29-13, recommending the request for a Use Variance is left solely to local determination. The applicant, Z Venture Corporation, purchased property at 11 Clinton Street in the Town of Seneca Falls, with the understanding that it was a legal two-unit residential structure. The tax rolls indicate it as a two-family dwelling; however, the owners were subsequently informed that the existing zoning allows for only single-family homes. The current owners have no access to information regarding when the property was converted to the two-family use in relationship to adoption of current zoning. Ms. Haynes stated that this neighborhood has historically had other properties used for more than single-family units. Board member, Gordon Burgess, stated that at one time, he was owner of the property which was used as a two-family dwelling with two gas meters, two water meters and two separate entrances to the structure. Ms. Haynes stated that it is apparent it has been used as a two-family dwelling but there is no paperwork tracing the use. Carried 12 – 0. Gordon Burgess abstained from voting.

### **4) Town of Waterloo, Site Plan Review, Don Trout**

John Swanson moved and Gordon Burgess seconded the adoption of Resolution 30-13, recommending the request of a Site Plan Review be left solely to local determination. Mr. Don Trout wishes to use the property at 927 Waterloo-Geneva Road in the Town of Waterloo as a private impound lot. A foundation pad from a building that was recently demolished will be utilized for the parking of impounded vehicles. Ms. Haynes stated that the application indicated there would be no more than 20 cars at one time on the lot, and that vehicles will be kept for no more than 90 days. The property is zoned Commercial with the area being a mix of residential homes and mobile home parks. Ms. Haynes stated that the applicant proposes to install an 8' fence on the property surrounding the old building footprint. The front of the fenced area will be approximately 80' from the road line. Ms. Ochs expressed concern regarding how automotive fluids would be removed and disposed. There is no indication that the applicant intends to remove the fluids from the vehicles. Mr. Burgess indicated that if the vehicles were being impounded with the intent that they would be returned to owners, the fluids should not be drained. There was also a lengthy discussion regarding the type of fencing which would be used, chain link vs. stockade fencing. While stockade fencing provides aesthetic screening, chain-link provides easier police observation of what is happening. Ms. Haynes stated that the public hearing at the town level is the time which allows the public to address any concerns they may have regarding the project. Carried 12 – 0, with an abstention from Keith Beck.

### **5) Town of Waterloo, Site Plan Review, Craig Kaufman**

Sally Kenyon moved and Gordon Burgess seconded adoption of Resolution 31-13 which recommends conditional approval for a request of a Site Plan Review. The applicant, Craig Kaufman, proposes to operate an auto repair

business at 1321 Waterloo-Geneva Road in the Town of Waterloo. The neighborhood is of mixed use with existing zoning for the property as Commercial. Previous use of the property was auto and lawn mower repair service. Ms. Haynes stated that the application indicates that the used automotive fluids will be removed and disposed of by a company which will make regular visits to the business. Ms. Haynes stated that the application does not include some of the information which is required. No Environmental Assessment Form (EAF) was submitted. Conditional approval is recommended upon 1) completion of the SEQR process and 2) submission of documentation to demonstrate that Mr. Kaufman has standing as an applicant. Carried 12 – 0. Keith Beck abstained.

**6) Town of Waterloo, Site Plan Review, Chrisantha Construction / Carrie O'Neill**

Gordon Burgess moved and Linda Ochs seconded adoption of Resolution 32-13 that recommends conditional approval for a Site Plan Review. The applicant, Chrisantha Construction, is the Agent for Carrie O'Neill. Ms. O'Neill intends to use the vacant building at 1126 Waterloo-Geneva Road in the Town of Waterloo for the development of a podiatry office. Ms. Haynes stated that currently Ms. O'Neill has an office in Newark and operates an office as leased space at the New York Chiropractic College in Seneca Falls. Ms. O'Neill believes that the newly relocated office in Waterloo will be more centralized for her clients in this area. The existing building will be renovated to include demolition of an existing garage, lighting and signage, installation of handicapped access, and roof, window and siding replacement. Ms. Haynes stated that the real concern becomes involvement of the road right-of-way. The facility will be using an existing entrance that is a right-of-way on the adjacent property. The Town should be assured that the right-of-way is deeded and allows use for commercial purposes. The sign location is not mapped in relation to the State right-of-way. The Town does not have authority to issue a permit for construction within the right-of-way and, therefore, should receive mapping showing the proposed location in relation to the State right-of-way. The request of Chrisantha Construction on behalf of Carrie O'Neill is approved conditional upon: 1) demonstration that the right-of-way which will be used for driveway access is a deeded right-of-way and allows use for commercial purposes, and 2) demonstration that a proposed sign will not be located within the right-of-way of State Route 5&20. Carried 12 – 0 with an abstention from Keith Beck.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**Function of County Planning Board:**

Board member, Linda Ochs, distributed a narrative (attachment) as to what she perceives is the function of the County Planning Board. Ms. Ochs questioned if there was a mission statement written for the County Planning Board. Ms. Ochs stated she felt members should have plenty of time to review the written reports prior to the evening they are discussed and action is taken. She stated that there should be more than a five-minute discussion the night of the meeting, especially for the larger projects, such as the proposed rail facility for Seneca Meadows which was reviewed at the July meeting. Ms. Ochs questioned what power there is of the County Planning Board, and suggested that there should be a moratorium in place to keep large projects from development until the Board of Supervisors establishes an adopted five or ten-year comprehensive plan. Ms. Ochs stated "we can do better."

Ms. Haynes explained that the Board of Supervisors cannot impose such a moratorium as the application originates at the local level and if the County Planning Board does not act within 30 days of receipt, then the Towns/Villages may take action as if the Planning Board had recommended approval. A primary function of the County Planning Board is to review referrals from municipalities sent to the County Planning Board under New York State General Municipal Law (GML) section 239, and the Board makes a recommendation within 30 days of receipt. The County Planning Board does not approve or disapprove; we make a recommendation that is based on inter-municipal or countywide impacts. Ms. Haynes stated that the other function of the Board is also to serve the Board of Supervisors regarding tasks that they may request or assign.

Ms. Haynes stated that there is an ongoing problem with receiving applications from some municipalities past the allowed submission deadline. In regards to this matter, Ms. Haynes referred to the distributed memo (attachment) recently sent to town and village officials for the deadline dates and times for submission of items for review. Hopefully, this will clarify and reinforce the submission process.

Board member, Lawrence Kesel, stated that he senses Ms. Ochs is upset with members regarding how things are being done. He stated that Board members are volunteers who are doing their best. He also stated that although he is a fairly new member serving on the County Planning Board, he has served on the Tyre Town Planning Board for a number of years, and that the County Planning Board and staff have always done a good job in their support and guidance. He said that he feels that Ms. Ochs wants to make things more complicated than what is necessary.

Ms. Haynes stated that after a conversation with the Chairperson following the last meeting, she contacted staff from other counties to see how their county planning board is set-up for GML reviews. Harriet stated that some boards have established a GML review committee comprising of four or so members to preview applications and make recommendations to the full County Planning Board for the vote to occur the night of the meeting. This would give the review committee the responsibility of making the recommendations rather than from the department staff. Some counties require applicants to make a presentation to the Board, rather than staff making the presentations. This can be a hardship for some applicants that live a distance from the area. It might be possible to determine what applicants or involved parties would be attending the meeting, and establish an allowed time for speaking or giving a presentation if it is the Boards wish to modify our previous procedures.

Board member, John Swanson, stated that it is a lot to ask of volunteer members to give up two evenings to serve such a purpose. Mr. Swanson stated that it is the task of the department staff, the Planner, to research and report to the members of the Board. A sub-committee is not feasible nor is it necessary.

Ms. Haynes stated that she could provide a paragraph description of each proposed project. The description sheet could be attached to the agenda with a more thorough explanation of each project when sent the week prior to the meeting.

Regarding the Comprehensive Plan for Seneca County, Ms. Haynes stated that the last adopted Plan was done in 1969 by the Planning Department. Efforts in completing a more recent Comprehensive Plan have been ongoing with staff completing various component plans. Ms. Haynes explained that New York State is a grassroots state – land use control rests within the municipalities. Each municipality within Seneca County has differing zoning and subdivision regulations and has set up their own policies and procedures for how things are handled.

**Upcoming Training:**

Ms. Haynes reminded staff of the upcoming September 18<sup>th</sup> training that will be held in Wayne County sponsored by Wayne and Seneca Counties. Training will be held 5:00 to 9:00 p.m. Sign-up will be through the Wayne County Planning Department's web site, once it has been posted there. The topics will be SEQR Basics and then revised SEQRA process, and the use of the forms to go into effect October 7, 2013.

The meeting adjourned at 8:22 p.m. by motion of John Swanson and seconded by Gordon Burgess.

Respectfully submitted,

Mary DeStefano  
Staff Resources Asst.