

**MINUTES
SENECA COUNTY PLANNING BOARD
MAY 10, 2012**

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

MEMBERS PRESENT: Keith Beck, Betty Berger, Charles Boehnke, Gordon Burgess, William Dalrymple, Donald Denman, Edward Franzoni, Jack Freer, Ronald McGreevy, Tom Scoles and John Swanson

ABSENT WITH NOTICE: Sally Kenyon and Mark Lott

ABSENT WITHOUT NOTICE: None

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

GUESTS: Calvin Brainard, Esq., Michael Grabarek, Advance Auto Parts, Gerald Graziano, Stephen and Sharon Lawrence, Kristine Miguez, Johnathon Pulver and Robert Sorensen, Jr.

The meeting was called to order at 7:05 p.m. by Chairperson, William Dalrymple.

The Minutes of the April 12, 2012 meeting were approved by a motion of Ronald McGreevy and seconded by Donald Denman. Carried 11 – 0.

PUBLIC COMMENTS:

Mr. Robert Sorensen stated that he submitted a request for a Subdivision being reviewed this evening.

Mr. Michael Grabarek stated that he was representing the application for Advance Auto Parts.

Mr. Calvin Brainard, Esq., stated that he represents the Lawrence application.

Mr. Graziano stated that he was in attendance regarding the Finger Lakes Christian Church.

Mr. Jonathon Pulver and Ms. Kristine Miguez were present for their application.

GML Reviews:

1) John Swanson moved and Charles Boehnke seconded adoption of Resolution 24-12, recommending that the request for an Area Variance submitted by Stephen and Sharon Lawrence be approved. The property has frontage on Gravel Road and 20' access from Travers Road in the Town of Tyre. It is also within 500' of Agricultural District #6 and the New York State Thruway. The 98 acres consists of farmland. In the 1950's, this property was functionally subdivided by New York State to construct the Thruway. Now the applicants wish to subdivide the parcel which is anchored together across the Thruway. The north portion of the property has had no access other than the existing 20' access point off of Travers Road. Ms. Haynes stated that the granting of this Area Variance is anticipated to change nothing as the proposed owner of the section north of the Thruway has been the one working the land. While it might be desirable for added frontage to the parcel, it cannot be required of a third party owner to sell a portion of property. Carried 10 – 0. Board member, Ronald McGreevy, abstained from voting.

(OVER)

2) Tom Scoles moved and John Swanson seconded adoption of Resolution 25-12, recommending conditional approval for a Special Use Permit request forwarded by the Town of Fayette. The application submitted by Jonathon Pulver and Kristine Minguez to operate a motor vehicle repair shop at 1436 West River Road was reviewed by the County Planning Board at the February meeting. Ms. Haynes stated that when previously reviewed, it was recommended denial with no prejudice against reviewing at a later date when additional information is provided. Ms. Haynes stated that one of the previous concerns was the proper collection, storage and disposal of automotive fluids as well as the handling of floor spills. The application now indicates that SAFE T CLEAN from Avon will be employed for the disposal of oil and antifreeze waste. Floor spills will be soaked up with Speedy Dry and will be removed by the same company. The application indicates that the outside parking will allow for six vehicles on a cement pad that appears to sit on top of a drainage ditch. Ms. Haynes stated that she learned tonight from the applicants that the cement pad will be on top of a culvert ditch. The site plan map shows no proposed screening of parking and the "Site Plan" is not to scale. The request is for a "registered motor vehicle repair shop" which does not include sales of used vehicles, a fuel station or body work. It is proposed that the repair shop is to be immediately adjacent to the start of housing in the Village of Waterloo. Documentation has not been provided as to whether the adjacent property owner has been notified or if the Village of Waterloo has been notified of this project. There was discussion regarding whether or not water or drainage will be available for washing down the shop floor. Mr. Pulver stated that no drains will be installed in the floor and if it becomes necessary to have water, he will use a garden hose. Members of the Board emphasized the need for a drainage / sewer system to handle the "gray water." The applicants were also told that the proper paperwork and inspections need to be in place in order to receive zoning approval from the town and a Certificate of Occupancy from the Seneca County Department of Code Enforcement. Conditional approval is recommended upon: 1) the Village of Waterloo and the adjacent property owner have been made aware of the application and have had adequate time to express any concerns to the Town of Fayette, 2) that the applicant demonstrate to the town that the requirements for treating of "gray water" will meet the New York State Building and Health Codes, 3) that the town is assured that the functioning of the ditch that extends across this property from south to north will not be adversely impacted by this project, 4) that the business be permitted only for a "registered motor vehicle repair shop" and not include sales of used vehicles, a fuel station, or body work, 5) that the business be restricted in size to no more than six customers' vehicles being parked outside the building and 6) that the applicant provide to the town a site map showing the location of proposed landscaping. Carried 11- 0.

3) Gordon Burgess moved and Edward Franzoni seconded adoption of Resolution 26-12, which recommends conditional approval for a Site Plan, Subdivision and Area Variance for signage for the proposed Advance Auto Parts Store to be located on Route 414 in the Town of Seneca Falls. Ms. Haynes stated that the only difference from the application reviewed in March and the current documentation shows a proposed right-in and right-out on North Road. Mr. Grabarek, representative from Advance Auto Parts, stated that he was at the meeting because of the signage issue and that he was under the impression that the request for Subdivision and Site Plan Review were removed from this application. The proposed plan for signage remains the same as submitted in March. Signage is proposed on the building face on both the east and south side of the building. This signage will total two times 100 sq. ft. and a pylon sign is proposed to be constructed at both the Route 414 entrance and the North Road entrance which will equal four times 75 sq. ft. – this means that the total proposed signage not including directional signs, window advertisements, etc., is 500 sq. ft. The Seneca Falls Zoning restricts commercial on-site signage for a single business with less than 5,000 sq. ft. for retail space. Additionally, this plan does not mention directional signage that will be necessary to advise patrons regarding traffic flow. Ms. Haynes stated that the cloud sign on the south of the building has the same disadvantage as noted at the March meeting in that this sign would be seen directly across the church parking lot which would likely cause confusion as to how to access the store property. Mr. Grabarek stated that he is concerned with motorists traveling east on North Road will see the pylon sign and make an unsafe traffic maneuver or continue to go straight and turn into the church parking lot. Regarding the site plan as submitted in March, the Board's recommendation was "The Site Plan be approved conditional upon a) the exit onto North Road be marked as right turn only, b) the drive to

North Road be an exit only, and a fence be constructed at a minimum of 2' from the property line with tax parcel 33-1-63, of mutually agreed upon material to provide screening and limit access from the adjacent playground." Ms. Haynes stated that it appears that the applicants either chose not to pursue or were unsuccessful in obtaining additional property that would allow the proposed two-lane drive to have some setback from the property lines. Board member, Charles Boehnke, who is a member of the church, stated that he is aware that discussions occurred between the church and the store but nothing was formalized. Ms. Haynes stated that since the information submitted contains no significant changes from the March 2012 applications, the Seneca County Department of Planning and Community Development advises the Seneca County Planning Board to restate its recommendations made at the March 2012 meeting. Therefore, conditional approval is recommended upon: 1) the Subdivision be approved conditional upon the remaining piece of parcel 33-1-62.111 either being made a part of an adjoining parcel with frontage on Route 414, or by it being granted permanent access across an adjacent parcel, 2) the Site Plan be approved conditional upon a) the exit onto North Road be marked as right turn only, b) the drive to North Road be an exit only, and a fence be constructed at a minimum of 2' from the property line with tax parcel 33-1-63, of mutually agreed upon material to provide screening and limit access from the adjacent playground, and 3) the Area Variance for signage be approved conditional upon the "cloud sign" on the south side of the building being eliminated and necessary directional signage for the turn restrictions being added. Carried 11 – 0.

4) John Swanson moved and Betty Berger seconded adoption of Resolution 27-12, which recommends conditional approval for a Use Variance request submitted by the Finger Lakes Christian Fellowship in the Town of Seneca Falls. The church located at 83 Auburn Road will also function as a school and playground. The church is situated on 7.5 acres in a C-2 Highway Commercial Zone. The Use Variance request is to legalize the operation of the church which has been at this location since 2009. The operation of the school is not an allowed use in the C-2 Zone. Ms. Haynes cited the "200' Rule" which has been set forth by the New York State Liquor Authority. The "200' Rule" disqualifies any location from obtaining an on-premises liquor license if its entrance is located within 200' on the same street of a building used exclusively as a school, church or other house of worship. The establishment of a church in a Commercial Zone; therefore, would impact the legal use of other properties in that proximity. Ms. Haynes stated that the application indicates that the property owners argue that the hardship is not self-created as no municipal official advised them that churches, as well as schools, were not an allowed use within the Commercial Zone. Mr. Graziano who represents the church stated that when the property was acquired in 2009, the Village of Seneca Falls zoning officer did not disclose any information regarding the "200' Rule". Mr. Graziano stated that building permits were obtained through both the Village of Seneca Falls and the County Code Enforcement Office but that a zoning permit was not obtained through the Village of Seneca Falls. Mr. Graziano stated that the realtor who sold the property also did not exchange any knowledge of the cited law. Recently, Mr. Graziano has been working with the Seneca Falls Town Zoning Officer, Mr. Steve Turkett. Ms. Haynes stated that the owners of property within 200' of this parcel should be individually advised of the application, and that the granting of this Variance will impact the future allowable uses of their property. Gordon Burgess stated that he opposes the use in the area as it has the potential to decrease the value of surrounding properties. A lengthy discussion continued regarding the limitations the operation of the church has on neighboring properties. The question was raised as to how measurements are taken for a property to fall under the "200' Rule". Ms. Haynes stated that measurements would be obtained from the distance of the front door to the church to the facility requesting the liquor license. Mr. Graziano stated that the church sits approximately 300' back from the road. To cite that their presence has not had a negative impact on neighborhood character, the application shows new commercial development in the area, including "a party house was recently renovated and has successfully launched since our opening the church." Ms. Haynes stated that this was a continuation of a pre-existing establishment and, therefore, "grandfathered" under the Alcoholic Beverage Control Law. It is recommended that any approval of the request of the Finger Lakes Christian Fellowship for a Use Variance be conditional upon all property owners within 200' be notified of this application and of the requirements of the "200' Rule" as set forth by the New York State Liquor Authority. Carried 8 – 3. Board members, Charles Boehnke, Gordon Burgess and Tom Scoles voted "nay".

5) Gordon Burgess moved and John Swanson seconded adoption of Resolution 28-12, which recommends that the request for a Minor Subdivision be left solely to local determination. The applicant, Robert Sorensen, Jr., wishes to subdivide approximately 94 acres of vacant farmland located on County Road 121 and Leader Road in the Town of Fayette. Mr. Sorensen is proposing to sell an 8+ acre lot to the owners of an adjoining 5.6 acre residential parcel. There appears to be no other inter-municipal or countywide impacts other than the loss of agricultural land. Carried 11 – 0.

6) Charles Boehnke moved and Ronald McGreevy seconded adoption of Resolution 29-12, recommending conditional approval for a Minor Subdivision request forwarded by the Town of Seneca Falls. The applicant, Bedford Falls LLC, is seeking the subdivision for .4 acre of land at 118 Fall Street. The subdivision will allow parcel 11-2-58 to be divided so that the existing building to the west of the Clarence Hotel which fronts on Fall Street can be sold along with some of the parking to the rear of the building. The proposal is that 10 of the parking spaces which extend along the west property line will be transferred with the building and the remainder will continue to be held by the current owners that also own tax parcel 11-2-56. Ms. Haynes stated that the 10 parking spaces to be transferred will not have access unless an easement is granted to allow such access. Ms. Haynes stated that a second concern is that the remainder of tax parcel 11-2-58 will not be a legal lot. This could be dealt with in two ways: the remaining parcel be attached to and made a part of tax parcel 11-2-56 or that an Area Variance be granted. Therefore, conditional approval is recommended upon: 1) an easement be drafted and filed giving the owners of the structure at 118 Fall Street access across portions of the remainder of the parcel for the purposes of access to the parking that is also to be transferred and 2) that the remaining parcel be either made a part of parcel 11-2-56 or obtain an Area Variance for frontage. Carried 11 – 0.

OLD BUSINESS:

None.

NEW BUSINESS:

Training Opportunities:

Ms. Haynes reviewed the training announcements distributed to Members of the Board. Harriet will be driving a county vehicle to the Local Government Workshop scheduled for next Thursday, May 17 which will be held in Pittsford. If anyone would like to accompany Harriet to the May 17 workshop, please contact the office.

Gordon Burgess questioned if attendance at the Housing Coalition scheduled for the end of May is considered credits for training. Ms. Haynes stated that she will accept presence at the Coalition meeting as credits applied to the mandatory training.

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

Respectfully submitted,

Mary DeStefano
Staff Resources Asst.