

**MINUTES
SENECA COUNTY PLANNING BOARD
JUNE 13, 2013**

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

- MEMBERS PRESENT:** Keith Beck, Betty Berger, Gordon Burgess, William Dalrymple, Donald Denman, Edward Franzoni, Mary Kelleher, Sally Kenyon, Lawrence Kesel, Pam Kirk, Mark Lott, Linda Ochs, Michael Scaglione and Tom Scoles
- ABSENT WITH NOTICE:** Chuck Boehnke and Jack Freer
- ABSENT WITHOUT NOTICE:** John Swanson
- STAFF:** Harriet Haynes, Planner and Mary DeStefano, Staff Resources Asst., Department of Planning and Community Development
- GUESTS:** Kyle Black, Director of Landfill Operations, Seneca Meadows, Inc.; Steve Craig, Waterloo Resident; Don Eichenhofer, Waterloo Village Resident; Robert Holmes, P.E., Sr. Project Manager, Cornerstone Engineering and Land Surveying PLLC; Lou LeBrun of Waterloo; Michael Smith, Waterloo Town Planning Board; Kiran Sonawane, Project Manager, Innovative Energy Systems; and Larry Waite, Construction Manager, Innovative Energy Systems

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

Mary Kelleher and Linda Ochs introduced themselves to the Board. They will serve as alternate members.

Chairperson William Dalrymple appointed May Kelleher to sit in for absent member Chuck Boehnke, and Linda Ochs to sit in for Jack Freer for tonight's meeting.

The Minutes of the May 9, 2013 meeting were approved by a motion of Donald Denman and seconded by Lawrence Kesel. Carried 14 – 0.

PUBLIC COMMENTS: None.

GML Reviews:

1) Tom Scoles moved and Mark Lott seconded adoption of Resolution 18-13, recommending approval for a request of a Special Use Permit and Site Plan Review forwarded by the Town of Seneca Falls. Seneca Energy II, LLC, is seeking the approvals to allow the construction of a Landfill Gas Refining Facility at the northern portion of the Renewable Resource Park (RRP) on the east side of Route 414, south of the previous development. The total tax parcel consists of 157 acres of which the area to be developed will be less than two acres. This parcel is totally surrounded by other parcels owned by Seneca Meadows. Ms. Haynes stated that in 2005, the RRP received its approval which included a Zoning Amendment to allow Gas Recovery Facilities in an M-1 Zone and a Special Use Permit for the approval of a Gas Plant. Ms. Haynes stated that this Phase will include the construction of three buildings: a Process Building, Electrical / Control Building and Buffer Bag Building. The Process Building will include gas compression and treatment equipment. The Buffer Building will house a thermal oxidizer for combustion of off-gas and an enclosed flare. Ms. Haynes stated that the flare will be used when

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either the high process plant or thermal oxidizer are down. Ms. Haynes stated that all gas is being flared off at the Landfill at this time. The New York State Department of Environmental Conservation (DEC) has determined that the potential emissions will be below the significant increase threshold. The DEC has also determined that this project will have a positive impact on air quality as it controls gas emissions including potential greenhouse gases. Ms. Haynes stated that the DEC was the Lead Agency for the State Environmental Quality Review Act (SEQRA) process that required a Long Environmental Assessment Form (EAF) to be completed and a Negative Declaration was made. The new plant will clean, compress and condition landfill gas so that the product can meet utility specification levels. The cleaned methane natural gas will be tied into the existing pipeline that runs along Route 414. The completed facility will create one to two new jobs. The access drive to the facility will be via internal roads for the Renewable Resource Park. The project should have little impact on Route 414. Board member, Linda Ochs, stated that in contacting the Seneca County Industrial Development Agency (IDA) regarding this project, she was told that there would be four to five positions filled at the facility but yet the EAF refers to one to two employees. Ms. Ochs also has concerns about the gas being shipped to California because a better price can be obtained – wanting to know why the methane gas can't be utilized locally, expressing that Seneca Energy will use our tax dollars and our land but then Seneca County will not reap the benefits as it will be sold in California. Board member, Gordon Burgess, stated that the DEC report does not address water vapor or quantity of vapor, noting that in the wintertime, vapor can collect around the roadways causing concern for hazardous driving conditions. There was a lengthy discussion regarding other plants being under the operation of Innovative Energy Systems, a malfunction safety network, and the flow of different gases. Carried 12 – 0. Linda Ochs and Mary Kelleher abstained.

Ms. Haynes stated that the third item listed on tonight's agenda was omitted "Town of Seneca Falls, Zoning Map Amendment – Certain Properties along Route 414N, Seneca Meadows." Ms. Haynes stated that the item was placed on the Agenda after receiving a phone call from the Town of Seneca Falls. After having received the application documents, it was learned that the review would also include the Site Plan Review request for the proposed rail service to Seneca Meadows. The lengthy application was removed from the June Agenda to allow adequate time for a thorough review. It is anticipated that the item will be placed on the July Agenda.

2) Sally Kenyon moved and Gordon Burgess seconded adoption of Resolution 19-13, recommending approval of a Site Plan Review forwarded from the Town of Junius. The applicants, Fang Ping and Fen Wang Lin are proposing the operation of F.F. Tea Company on 23.4 acres they own located on Route 318, across from the Outlet Center. The property owners already planted tea plants, and Chinese apple pear trees. Ms. Haynes stated that they will be installing a processing building for tea harvesting. The 100' X 72' facility will include a tea tasting room with the sales of tea and tea related products. Ms. Haynes stated that if sales of non-agriculture products, e.g., tea cups, or other souvenirs are below 50% of the total proceeds of the business, then it is an agricultural use and covered under NYS Agriculture and Markets Law. The access drive to the property is located just east of the main entrance to the Outlet Center, across from the entrance for employees' access use. The New York State Department of Transportation made the request that the entrance to the property be moved to avoid additional traffic delays and congestion. An inquiry was made as to what the difference is between right to farm and farmland protection plan. Ms. Haynes explained that New York State Agricultural District Law provides the right to farm protection to farmers within agricultural districts. This includes protection from nuisance complaints, and provides protection for standard agricultural practices. Additionally, farm operations within agricultural districts can receive their tax assessment based on the value of the agricultural soils. Some communities have chosen to enact local right to farm laws that mirror the right to farm protection within New York State Law. The farmland protection plans are plans developed by the local municipality or county to determine what types of actions or policies they could put in place to support agriculture and agriculture related services within their communities. Carried 14 – 0.

3) Gordon Burgess moved and Sally Kenyon seconded adoption of Resolution 20-13, recommending conditional approval for the adoption of the proposed Comprehensive Plan from the Town of Lodi. Ms. Haynes stated that in 2010, the Town of Lodi completed a draft Comprehensive Plan at which time the County Planning Board recommended approval. The Department of Planning and Community Development has no record of the Plan having been adopted. There were some modifications made to the current proposed Plan since written in 2010, including updates on demographic data. Ms. Haynes stated that there was quite an increase in population between 2000 and 2010 for the Town of Lodi. Another of the changes was in regards to regulations on minimum lot size. Ideally, the Lodi Town Planning Board would like to do another review in 2015. The Environmental Assessment Form (EAF) was prepared in 2010 and has been revised. Ms. Haynes stated that the Town of Lodi previously adopted a Farmland Protection Plan in 2009. Harriet stated that a few communities have adopted a Farmland Protection Plan and the County has a Farmland Protection Plan which was revised about three years ago. Conditional approval is recommended for adoption of the proposed Comprehensive Plan upon the Farmland Protection Plan being made a part of this Plan by reference. Carried 13 – 0. Board member, Donald Denman, abstained from voting.

4) Tom Scoles moved and Sally Kenyon seconded the adoption of Resolution 21-13 which recommends conditional approval for an Area Variance request submitted by Stephen Grey. A garage located at the property owner's 2425 Lower Lake Road (Seneca Falls) address was destroyed by a tree falling on it during a recent wind storm. The Variance is necessary to allow the garage and storage lean-to shed to be built on the same footprint. Ms. Haynes stated that it has been determined that the previous garage was partially built within the road right-of-way. Although many of the garages and accessory structures within this area of the Town do not meet the required setback, it would be against sound zoning practice to approve a Variance to allow building within the county road right-of-way. Ms. Haynes stated the structure needs to be pushed back approximately 3' in order for it not to be in the road right-of-way. Modifications may have to be made for the size and/or location of the lean-to storage shed which was attached to the back of the garage. Conditional approval is recommended upon the garage being moved to the east the necessary distance to assure that the garage is not located in the county road right-of-way. 14 – 0.

OLD BUSINESS:

Training:

Board member, Sally Kenyon, stated that she is interested in attending the training being offered on June 17 in Naples. Ms. Haynes stated that the training is being co-sponsored by Yates and Ontario County Planning Departments with representatives from the New York State Department of State Division of Local Government Services, presenting topics "How to Deal with Locally Unwanted Land Uses", "Land Use Moratoria" and "Potpourri: Ask the Planners". For additional information, please refer to the phone number provided for Ontario County Planning Department.

Ms. Haynes reminded Board members of the training that will be offered in September and co-sponsored by Wayne and Seneca County Planning Departments. Since training last year was held in Seneca County, this year's training will be held in Lyons, Wayne County. Training will be four hours which will meet the annual training requirements set forth by New York State. The fall workshop will include the topics of new SEQRA regulations and rural land uses.

If anyone has acquired the four hours for 2013, extra accrued time for training may be forwarded to the following year.

NEW BUSINESS:

Members of the County Planning Board introduced themselves to the new members, Ms. Ochs and Ms. Kelleher.

Protocol for Town Actions:

Board member, Mr. Denman, asked Ms. Haynes if there was a written procedure for how actions should flow between local boards and the County Planning Board. Harriet stated that some communities have developed flow charts demonstrating the different levels of action. Ms. Haynes stated that it can differ depending on what is being enacted upon – it varies from community to community and action to action. In this case, the Lodi Town Planning Board has developed the draft Comprehensive Plan and it now gets presented to the Town Board. It then becomes the responsibility of the Town Board to determine if it is adopted. The Lodi Town Board is the lead agency to complete the SEQRA process. Prior to the Town Board adopting the Plan, a public hearing must be held.

The meeting adjourned at 7:56 p.m. by motion of Gordon Burgess.

Respectfully submitted,

Mary DeStefano
Staff Resources Asst.