

**MINUTES  
SENECA COUNTY PLANNING BOARD  
AUGUST 9, 2012**

**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, Sally Kenyon, Pam Kirk, Ronald McGreevy and Tom Scoles
- MEMBERS CALLED:** Jack Freer and Mark Lott
- MEMBERS ABSENT:** Charles Boehnke and John Swanson
- STAFF:** Harriet Haynes, Planner and Mary DeStefano, Staff Resources Asst., Department of Planning and Community Development
- GUESTS:** Simon Bradshaw, ITT Goulds Pumps, Steve Durham, ITT Goulds Pumps, Jason and Darlene Hoover, Dallyn Jenkins of Beverly Animal Shelter, Pat Morris of Beverly Animal Shelter, Steve Wadhams, President, Wadhams Enterprises and John Yannotti

The meeting was called to order at 7:06 p.m. by Chairman William Dalrymple.

The Minutes of the July 12, 2012 meeting were approved by a motion of Ronald McGreevy and seconded by Keith Beck. Carried 10 – 0.

**PUBLIC COMMENTS:**

Mr. Steve Wadhams stated he was in attendance for an application from Wadhams Crossdock LLC.

Mr. Steve Durham stated that he and Simon Bradshaw were present on behalf of the ITT Goulds Pumps Project.

**GML Reviews:**

1) Tom Scoles moved and Sally Kenyon seconded adoption of Resolution 35-12, which recommends a request for a Site Plan Review be left solely to local determination. The applicant, Wadhams Crossdock LLC, is proposing to build a Truck Freight Transfer Terminal at the northeast corner of Grange Hall Road and Route 318 in the Town of Junius. The property consists of approximately 91.7 acres that is vacant farmland. This location on the property was chosen to facilitate agricultural production on the remaining parcel. The site of the Terminal will occupy five acres. At this time, access to the Terminal will only be from Grange Hall Road and not Route 318. The proposed project will consist of 1,320 sq. ft. with 29 truck docks to abut the building, parking for 24 trucks, parking for 36 trailers and one fuel station. Ms. Haynes stated that Wadhams Enterprises has been a longstanding business in Seneca County and the Town of Junius has been aware of the desire for expansion. Ms. Haynes stated that signage was not addressed in the application and that the Town of Junius has minimal sign regulations. Gordon Burgess inquired as to whether the operation is for freight carriers owned by Wadhams. Mr. Wadhams stated that the Terminal will be used for their operation which is currently in Geneva. Ronald McGreevy questioned if the site would be paved and Mr. Wadhams indicated that gravel will be used at this time. Ms. Haynes stated that the State Environmental Quality Review Assessment for this Project was identified as a Type I action. Carried 10 – 0.

(OVER)

2) Sally Kenyon moved and Pam Kirk seconded adoption of Resolution 36-12, for approval of the Site Plan Review and Use Variance request submitted by ITT Goulds Pumps at 240 and 260 Fall Street in the Town of Seneca Falls. The Site Plan Review is necessary to allow construction of an expansion to the Research and Development (R&D) offices which will expand the current footprint of the building. The Use Variance is necessary to allow for additional parking which will be located in the Residential Zone. The 3,300 square foot addition that is to be added to the west side of the R&D facility is to accommodate current and future growth of the company. Ms. Haynes stated that the expansion will take the building 42' further west and eliminate 18 parking spaces; however, parking spaces will be more than compensated for by the proposed parking expansion which will add 10 spaces to the south of the R&D facility and 115 spaces to the west of the main offices. Ms. Haynes stated that Goulds Pumps owns two of the three impacted parcels and has a pending purchase contract on the middle property. The company has received approval from the Historic Commission. Ms. Haynes stated that while a Use Variance may be given for the short term, the adoption of the combined zoning that is being worked on should include zone modifications to re-zone the area of the proposed parking as M-1. Gordon Burgess stated that there could be a problem with the flow of traffic with an additional 150 parking spaces. Mr. Durham stated that Goulds has a staggered shift operation and 500 vehicles would not be exiting the site the same time unless there was an emergency situation. Mr. Durham gave a breakdown of the number of vehicles leaving the facility at various times of the day. William Dalrymple questioned if there has been any thought of designated parking. Mr. Durham stated that there has been discussion in the past regarding parking in color-coded areas. He stated that the proposed parking expansion is necessary as 100 employees recently relocated to Fall Street from the Bayard Street location since Xylem acquired the water systems facility. He stated that about 75 employees that currently occupy the vacant BonaDent facility will be rejoining staff at the Fall Street location. Harriet stated that she is uncertain if the New York State Department of Transportation will need to review the proposed expansion. Recommendations are 1) the request of Goulds Pumps for the expansion of the R&D facility be approved, 2) the granting of the Site Plan Review and Use Variance to allow for the construction of the proposed parking lots to the west of the main offices on parcels 15-1-18, 19, 20 and a smaller lot on parcel 14-1-35 and 3) the Town of Seneca Falls be encouraged to include tax parcels 15-1-18, 10 & 20, and 14-1-35 in the Manufacturing Zone of the combined zoning which is being developed. Carried 10 – 0.

3) Tom Scoles moved and Edward Franzoni seconded amended Resolution 37-12, recommending adoption of proposed Local Law TO 2012 BB, a Moratorium on Kennels and Pet Breeders in the Town of Ovid. The 18-month Moratorium would give the Town of Ovid the opportunity to investigate appropriate regulations for kennels and breeding facilities in the Town of Ovid. Ms. Haynes stated that the proposed Law is only for cats and dogs. Ms. Haynes stated that during the Moratorium, the terms of the Law are very strict. A person who with appropriate health checks and selection of optimum breeding matches who breeds two litters (which could include a combined total of offspring as low as two) and whose barn cat or a feral cat which has taken up residence on their property (and for which they have supplied food, shelter or medical care) also has a litter would be in violation of this Law. The following definitions apply: *Kennel: Any building or lot on which at least three or more dogs or cats not owned by the property owner are trained, or boarded (but not bred or sold) for commercial purposes; Pet Breeder: Any building or lot on which any of the following occurs: 1. At least three or more dogs or cats at any one time are bred or sold for commercial purposes; or 2. Any adult female dog or cat is bred more than once in any twelve- month period with the intent of selling or giving away said dog's or cat's pups or kittens; or 3. More than two litters of pups or kittens are sold or given away in any 12-month period.* Ms. Haynes stated that this action does not conflict with any County plan or purpose and there should be no countywide or inter-municipal negative impact for the Town taking this action. William Dalrymple stated that he would be in violation of the proposed legislation as he has had a number of feral cats take shelter on his property. He stated that he has allowed the feral cats shelter as well as provided food and has at times paid to have them neutered. He stated that he would always provide care for a dog or cat that shows up on his property. There were several Board members that agreed that New York State should regulate and enforce such laws. Board member, Ronald McGreevy, stated that the Town of Tyre has sent letters to the State seeking guidance and clarification regarding

such laws and who is responsible to enforce the law. Mr. Dalrymple stated that he has seen poor pets come from both reputable breeders and puppy mills, and that such operations should be regulated and inspected on a State level not on a town-to-town level. Mr. McGreevy stated that the communities are forced to take some action in the absence of the State's response. Mr. Dalrymple asked if the 18 months can be extended if there is no solution. Ms. Haynes stated that if the community can demonstrate due diligence on its part, then it could be extended but that the purpose of the Moratorium is to be a stop gap. Harriet stated that the problem many times lies in setting an allowed number of the animals. Board member, Gordon Burgess, stated that limiting the litters should not be the issue – the issue is if the animals get the proper care. Adopted Resolution 37-12 was amended to read "RESOLVED, that the Seneca County Planning Board recommends that Town of Ovid Local Law BB be conditional upon removal of Section 2B3." Carried 9 – 1. William Dalrymple voted nay.

4) Ronald McGreevy moved and Betty Berger seconded the adoption of Resolution 38-12, finding that the request for proposed Local Law TO 2012-AA, a Moratorium on Gas Exploration and Extraction for the Town of Ovid, will have no negative impact on countywide or inter-municipal activities. The proposed legislation is to enact an 18-month Moratorium on Natural Gas and/or Petroleum Extraction activities and/or Natural Gas and/or Petroleum Support activities. Ms. Haynes stated that the Town of Ovid is concerned with potential environmental impacts from natural gas and/or petroleum extraction activities, and that the demand for such may greatly change driven by the changes in technology relative to this extraction. Furthermore, the Town is concerned that the potential impacts that may accompany these extraction and support activities will also have a greater impact than previous gas exploration and extraction due to the newer technologies. Currently, there are no regulations set by the State of New York relative to horizontal drilling or other new technologies. The 18-month Moratorium will allow the Town adequate time to review and understand the potential impact, and amend local codes as appropriate. Ms. Haynes stated that this will also be applied to development of new natural gas pipelines. It was mentioned that hydrofracking has been done for years in such States as Texas and Oklahoma but that it is new to this part of the Country. Ms. Haynes stated that the assets in the Finger Lakes Region are the lakes and there is concern as to how they will be impacted. Mr. Franzoni stated that this is another situation where the Government of New York State needs to be responsible for providing oversight to these sensitive issues. Gordon Burgess stated that the pipelines that are addressed in the proposed Law are quite different than hydrofracking or drilling. He stated that such a Law could impact the financial status of landowners. William Dalrymple stated that it is claiming eminent domain over mineral rights without compensation to landowners, and stated that as a landowner in Ovid, he is against it. After a lengthy discussion, a vote of 7 – 1 was taken with Gordon Burgess voting nay and abstentions from William Dalrymple and Edward Franzoni. Ms. Haynes stated that since Resolution 38-12 did not pass, no action is taken and the Town will be able to take action 30 days from the application's submission date.

5) Gordon Burgess moved and Sally Kenyon seconded adoption of Resolution 39-12 which recommends adoption of proposed Local Law TR 2012-AA, Right to Farm Law for the Town of Romulus. Ms. Haynes stated that the proposed legislation reiterates the Right to Farm provision already in State Agriculture and Markets Law, and by adoption of this Law, the Town of Romulus emphasizes its commitment to Agriculture as a priority land use within the community. Ms. Haynes stated that the legislation also establishes a local voluntary mediation program to be used in an attempt to eliminate going through the court system. The process could be used for a conflict between neighbors. Ms. Haynes stated that it is unclear under GML 239 requirements for review if the proposed legislation is required to come to the County Planning Board; however, the Department of State recommended that it be forwarded. Carried 10 – 0.

**OLD BUSINESS:**

**Report of Nominating Committee:**

Donald Denman reported that the Nominating Committee recommended to nominate William Dalrymple as Chairman and Tom Scoles as Vice Chairman. Chairman Dalrymple opened the floor for additional nominations and none were forthcoming. Gordon Burgess made the motion that the Secretary be directed to cast a single ballot for slate of officers. Ronald McGreevy seconded. Carried 10 – 0.

**Training:**

Board members were reminded of the land use training which will be held September 17, Monday, from 5:00 to 9:00 p.m. at the County Office Building. Topics covered will be *Rural Planning* and *Wind Energy*. A dinner break will occur between the two sessions with pizza to be served for a \$5.00 fee.

**Memorandum of Understanding (MOU):**

Ms. Haynes stated that seven communities have signed the revised version of the MOU's. The County Attorney and Chairman of the Board of Supervisors have also signed the documents and Chairman Dalrymple will be signing the MOU's following tonight's meeting.

**NEW BUSINESS:**

None.

The meeting adjourned at 8:26 p.m. by motion of Gordon Burgess.

Respectfully submitted,

Mary DeStefano  
Staff Resources Asst.