

**MINUTES
SENECA COUNTY PLANNING BOARD
JANUARY 14, 2016**

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

- MEMBERS PRESENT:** Keith Beck, Betty Berger, William Dalrymple, Donald Denman, Edward Franzoni, Sally Kenyon, Pam Kirk, Tom Scoles, Michael Smith and John Swanson
- MEMBERS CALLED:** Gordon Burgess, Mary Kelleher (Alternate) and Mark Lott
- MEMBERS ABSENT:** Jack Freer, Colby O'Brien and Michael Scaglione
- STAFF:** Harriet Haynes, Planner and Mary DeStefano, Staff Resources Asst., Department of Planning and Community Development
- GUESTS:** Billie Brinkerhoff; Jessie Brinkerhoff; Robert Burgdorf of Nixon Peabody; Larry Kesel, Tyre Town Resident; Allen Martin, owner of Martin's Country Market; Bob Seem, Tyre Town Resident and Michael Simon of BME Associates

The meeting was called to order at 7:03 p.m. by Chairman William Dalrymple.

The Minutes of the December 10, 2015 meeting were approved by a motion of John Swanson and seconded by Donald Denman. Carried 10 – 0.

PUBLIC COMMENTS:

Mr. Allen Martin stated that he is the owner of Martin's Country Market and is proposing to construct a new store.

Ms. Jessie Brinkerhoff stated she intends to build a house on property that will be subdivided.

Mr. Mike Simon of BME Associates was representing Fuccillo Ford of Seneca Falls.

Mr. Robert Burgdorf of Nixon Peabody was representing Upstate Cellular Network / Verizon Wireless.

GML Reviews:

Presentation – Fuccillo Ford:

Chairman Dalrymple called upon Mr. Michael Simon of BME Associates to address the Board regarding the new facility which Fuccillo Ford Automotive Group of Seneca Falls proposes to develop on its existing site. Currently, the dealership has an approximately 8,300 sq. ft. building at its location. The proposal is to construct a 19,900 sq. ft. building on the property. The total lot is 13.3 acres in size. There will be 45 parking spaces for employees and 26 parking spaces for customers. Parking for inventory will be 200 spaces. With respect to proper setbacks, all requirements will be met. Green space will be provided with various landscaping on the site. Mr. Simon stated that all New York State Department of Environmental Conservation (NYS DEC) regulations have been met with the design. Carriers making vehicle deliveries to the site will no longer have to park on Routes 5&20. Today, there are eight service bays and the new construction will include 12 service bays. Mr. Simon stated that the purpose of the new construction is to provide a safer environment for the workers and a more pleasing environment for the customers. The hours of operation will remain as they are today. Mr. Simon stated that the intention is to use the old facility as the new facility gets built. Upon the request of Ms. Haynes, Mr. Simon stated that he obtained a letter today from the attorney representing the current owners of the property, the Peter A. Lucchesi Family Trust and the Estate of Angelo Lucchesi, granting permission to Fuccillo Ford and its agents to proceed with the application process for site improvements to the property. The current property owners are in transition of selling to the Fuccillo Dealership. Mr. Simon stated that the project application will go before the Seneca Falls Town Planning Board at its January 28 meeting. A full Engineer's Report was submitted today to the Town of Seneca Falls.

1) Town of Seneca Falls, Site Plan Review, Fuccillo Ford

Sally Kenyon moved and Michael Smith seconded adoption of amended Resolution 1-16, which recommends conditional approval for a Site Plan Review submitted by Fuccillo Ford. Ms. Haynes stated that the most pertinent information for this project was provided by Mr. Simon. Harriet stated that the application did not include complete signage information; therefore, signage will have to be reviewed by the County Planning Board at a later date. Ms. Haynes stated that because Fuccillo does not own the property, documentation was necessary to show that Fuccillo has legal standing with the current property owner(s); thus, the letter was provided by the attorney's office. Ms. Haynes stated that there is an old barn once owned by the Salerno family for storage that is located at the rear of the property, and it was suggested that there should be an attempt to dismantle the barn and rebuild it on another site. Mr. Simon stated that they will work with the Town of Seneca Falls regarding reuse of the barn. Resolution 1-16 was amended to remove the following under condition #3: "and that the applicant demonstrates to the Town of Seneca Falls Planning Board that they have standing before that Board relative to the proposed action on this property." Carried 10 – 0.

2) Town of Seneca Falls, Subdivision Review, Brinkerhoff, Jessie

Tom Scoles moved and Keith Beck seconded adoption of Resolution 2-16, for approval of a Subdivision on the south side of King Road. The applicant, Jessie Brinkerhoff, is the daughter of the property owners. The total acreage is 52.44 – Lot A will consist of 1.0+ acre and Lot B will be the remaining acreage. Ms. Brinkerhoff will be constructing a single-family residence on the smaller lot. Ms. Haynes stated that the only impact is the potential of removing one acre from agricultural production. Carried 10 – 0.

3) Town of Junius, Site Plan Review, Martin, Allen

Pam Kirk moved and Betty Berger seconded adoption of Resolution 3-16, which recommends approval for request of a Site Plan Review. The applicant, Allen Martin, is proposing to construct a 23,250 sq. ft. steel building for retail sales at 1138 State Route 318. The new building will be located toward the west end of the property, adjacent to the existing buildings. There are no plans to modify access onto the property. The parcel consists of 14.08 acres. The property slopes gently to the east. A swale is proposed for between the fire lane around the east end of the building and the new building to divert any storm water runoff. Carried 10 – 0.

4) Town of Fayette, Site Plan Review & Special Use Permit, Upstate Cellular Network

Mr. Robert Burgdorf of Nixon Peabody stated that the Yale Station Road location was the best site within the search area for the installation of the Wireless Communication Tower. The 180' high freestanding tower will be built according to extreme standards. Mr. Burgdorf stated that if the tower was to break, it is designed to break at the half point of the tower's height.

John Swanson moved and Donald Denman seconded adoption of Resolution 4-16 recommending conditional approval. Ms. Haynes stated that the Wireless Communication Tower will help "infill" service on the western side of Fayette and adjacent towns. There appear to be no towers in the identified area for co-location. A lengthy discussion ensued regarding the "fall zone" surrounding the proposed tower. Ms. Haynes stated that a "fall zone" for the tower does not appear to be fully located on the property held by the property owner. It is recommended that easements restricting development be obtained from surrounding property owners within 180' of the outer edge of the tower base. Conditional approval is recommended for the Site Plan Review and Special Use Permit for the Cell Tower upon the Town Planning Board assuring that the full "fall zone" of the tower is on property that Upstate Cellular Network has contracts with. Carried 10 – 0.

5) Town of Tyre, Subdivision Review, Lawrence, Stephen & Sharon

John Swanson moved and Betty Berger seconded adoption of Resolution 5-16, which recommends approval of subdividing land located on Gravel Road and Durling Road. The Subdivision is to consist of: Parcel A – total of 185.9 acres, Parcel B – total of 82.4 acres, and Parcel C – total of 161.2 acres. The total acreage of land to be conveyed is 232.9 acres. Ms. Haynes stated that the intent is that the portions of these properties which are located south of Durling Road and east of Gravel Road all be transferred to one party. This will then mean that the entire block between Lay, East Tyre, Durling and Gravel Roads, with the exception of four existing residential lots, range from one acre to two acres, will be owned by one party. Each of these Subdivisions is being done along the functional divisions of the roadways and that all parcels to be created exceed Tyre Town Zoning standards. Ms. Haynes stated that all of the property will continue to be farmed – the land is being transferred from one farmer to another farmer. Carried 10 – 0.

6) Town of Tyre, Area Variances, Sonbyrne Sales, Inc.

Sally Kenyon moved and John Swanson seconded adoption of Resolution 6-16, which recommends that the request for Area Variances be approved. The applicant, Sonbyrne Sales, Inc., is seeking the series of Variances to allow construction of a retail store and fueling station on the southwest corner of Routes 318 and 414. The proposal is for the construction

and operation of a 5,000 sq. ft. convenience store and fueling station with ten dispensers. A recommendation of Site Plan approval conditional upon necessary permits from New York State Department of Transportation (NYS DOT) was given by the County Planning Board last month. It has since been noted that setback requirements within the Tyre Town Zoning are for "structures" rather than for buildings. Additionally, the Zoning is not definitive as to if setbacks are to be measured from the centerline of the road or from the road right-of-way. Area Variances are also needed for signage. Variances are needed for the following: 1) front yard setback for Air Machine, 2) front yard setback for Gas Canopy, 3) front yard setback for ATM Kiosk, 4) front yard setback for Underground Storage Tanks, 5) front yard setback for Freestanding Sign, 6) Signs are to be no closer than 200' of one another, and 7) number of signs allowed on a business lot. Ms. Haynes stated that the Town of Tyre may want to consider zoning amendments that would clarify the point from which front yard setbacks are to be measured, and expanding the requirements of its signage package. Carried 10 – 0.

Mr. Robert Seem, Chairman of the Tyre Town Planning Board, stated that the Tyre Town Zoning Regulations were written more than 20 years ago, and has outlived its useful life. Mr. Seem stated that the Zoning Law has served the Town of Tyre very well, but with the commercial development occurring, the Zoning needs to be more complex. Mr. Seem stated that Tyre will be redoing its Zoning Law as soon as possible.

7) Town of Romulus, Subdivision Review & Area Variances, Hoyt, Donald & Maurine

Pam Kirk moved and Michael Smith seconded adoption of Resolution 7-16. Ms. Haynes stated that a single piece of property (4.4 acres) has two houses situated on it. There is now a desire to subdivide the property so that each house will be on its own piece of land. The Subdivision cannot be accomplished and meet the requirements of the Romulus Zoning. As proposed, the smaller parcel would only have 95' of frontage (100' is required). Each structure should have 15' side yard setbacks, while only 8.9' is proposed for the house on the larger lot. Ms. Haynes stated that if either of these situations is corrected, then it makes the other greater. It appears that the applicants have put forth a reasonable compromise but it will be the responsibility of the Town Zoning Board of Appeals to assure that all statutory requirements for granting of the variances are met. Ms. Haynes stated that each parcel in the district is to be a minimum of one acre in size. The proposal is for the smaller lot to be .424 acre, thus leaving approximately 4 acres with the larger parcel. The applicant contends that the variance should be granted on the basis of neighborhood character, and citing that many lots along the lake are smaller than as required. The properties on the west side of this section of Poplar Beach, however, are all about 1.5 times the size proposed and were all developed prior to the enactment of the zoning law. There is property to the rear of the proposed smaller lot that could be made a part of that lot or, at the minimum, an area could be granted as a right-of-way to run with the property for use for water or sewer needs of the smaller lot. The application indicates that both properties have separate water systems. The survey map, however, indicates a ground well for common use. Ms. Haynes stated that the Town Planning Board will need to be assured that each property has a fully separate water and sewer system, or that any portion of a system that is shared is covered in a legal document that designates the shared use and who has responsibility for repair and maintenance of the shared facilities. It is recommended that the requests for frontage and side yard setbacks are to be left solely to local determination. It is also recommended that both properties meet the minimum lot size or that a right-of-way be drafted that will allow the owners of the property known as 6132 Poplar Beach be granted use of acreage equal to making the parcel an acre for the future development of water or septic systems if it should be needed, and that the approval of the Subdivision by the Romulus Planning Board be conditional upon the applicant providing documentation detailing the issues of shared use of the common shore well, or providing proof that separate systems are in place. Carried 10 – 0.

OLD BUSINESS: Old Barn Structure on Fuccillo Property:

Board member, Tom Scoles, questioned why the Town of Seneca Falls would have any input regarding the reuse or placement of the barn located on the Fuccillo property. Ms. Haynes stated that the barn is not on any historical site that she is aware of. She stated that Mary Kelleher, Alternate Board member, voiced her concern that the barn might be demolished, and suggested that it be reconstructed elsewhere. Ms. Haynes stated that at one point in time, there was a grant available for refurbishing old barns. Ms. Haynes stated that old barn wood is valuable in that it is reused in the construction of homes, furniture, etc.

NEW BUSINESS: None.

The meeting adjourned at 8:18 p.m. by motion of John Swanson.

Respectfully submitted,

Mary DeStefano, Secretary
Staff Resources Asst.