

**MINUTES  
SENECA COUNTY PLANNING BOARD  
MAY 12, 2016**

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

**MEMBERS PRESENT:** Betty Berger, Gordon Burgess, William Dalrymple, Donald Denman, Edward Franzoni, Michael Scaglione, Tom Scoles, Michael Smith and John Swanson

**MEMBERS CALLED:** Mary Kelleher, Sally Kenyon and Mark Lott

**MEMBERS ABSENT:** Please See Above

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

**GUESTS:** Brian Bouchard, PE, CHA Consulting; Wayne Gustin, Aria Energy/Seneca Energy II LLC; Virginia Lott and Emily Zambuto, Aria Energy/Seneca Energy II LLC

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

The Minutes of the April 14, 2016 meeting were approved by a motion of Gordon Burgess and seconded by Donald Denman. Carried 9 – 0.

**PUBLIC COMMENTS:**

Virginia Lott stated that she and her husband were present to answer any questions regarding her application.

**GML Reviews:**

***Dunkin' Donuts Presentation:***

Chairman Dalrymple called upon Mr. Brian Bouchard, PE, Project Engineer of CHA, for a presentation of the proposed Dunkin' Donuts. Mr. Bouchard distributed copies of the Site Layout Plan to members. The project location is at the northwest corner of the Routes 318 and 414 intersection, across from the new Byrne Dairy Store in the Town of Tyre. Currently, there is a house at the location. The 2.7 acre parcel is surrounded by the 3S Gateway property. Mr. Bouchard stated that the engineering firm has met with officials from the Town of Tyre on a conceptual level and has received feedback. A full set of drawings has been submitted which include site components, stormwater management plan, location of building, parking design and standard parking lot lighting and site utilities. Mr. Bouchard stated that plans have been submitted to New York State Department of Transportation (NYSDOT) for approval of the configuration of driveway access. Mr. Bouchard stated that the entrance to the site will be east of the Byrne Dairy Store entrance – the entrances will be staggered. Mr. Bouchard stated that the project will not be able to proceed without NYSDOT approval of submitted plans. The applicant is also the proprietor of the Dunkin' Donuts located on Routes 5&20 in Seneca Falls.

**1) Town of Tyre, Site Plan Review, JFJ Holdings LLC**

John Swanson moved and Michael Smith seconded adoption of Resolution 20-16, which recommends conditional approval for the Site Plan Review. Ms. Haynes stated that Mr. Bouchard of CHA covered much of the information in his presentation. She stated that improvements to the infrastructure at the corner of Routes 318 and 414 can manage this project; however, stated that the application did not include either traffic volume information or receipt from NYSDOT indicating that they received proposed plans. Mr. Bouchard reiterated that both Route 318 and 414 are controlled by NYSDOT – nothing can happen without an approval from NYSDOT and that they are confident that there are no negative factors. Mr. Bouchard stated that 90% of traffic to Dunkin' Donuts is pass-by traffic. Ms. Haynes stated that the recommendation is approval conditional upon the Town Planning Board concur that proposed traffic volumes can adequately be handled by the current and proposed road conditions, and receipt

of approval of the application for proposed commercial driveways by NYSDOT. Carried 8 – 0. Board member, Tom Scoles, abstained from voting.

***Seneca Energy II LLC Presentation:***

Emily Zambuto introduced herself and Wayne Gustin, of Aria Energy, LLC. A project handout was distributed to Board members. Ms. Zambuto stated that Aria Energy is not associated with Seneca Meadows Landfill (SMI) and is only an end user of the gas – Aria Energy does not share ownership of the landfill. Ms. Zambuto explained that Seneca Energy II LLC's High BTU Facility processes landfill gas delivered by SMI and creates a renewable natural gas alternative fuel. Ms. Zambuto stated that the Environmental Protection Agency (EPA) defines the methane gas as renewable fuel. Two concrete foundations will be added to the Facility; however, no additional pipeline or utilities will be installed. All other permitted processing equipment will be installed internally to process the gas currently being flared by SMI, into pipeline quality gas. The expansion will only take gas that is currently flaring from SMI. Ms. Zambuto stated that the two new foundations and cooling tanks will be the only visible features from Route 414. Ms. Zambuto stated that Seneca Energy II's facilities have been running at full capacity while SMI has continued to flare excess gas in their enclosed flares. She further stated that the main goal is to shut the landfill flares off, and to improve local air quality, reduce odors and obtain more gas for Seneca Energy II. Construction will begin in June 2016 and will be completed at the end of September, with a customer delivery deadline of October 2016. Temporary jobs will be outfitted for the engineering and construction of the expansion. Ms. Zambuto stated that the facility was granted approval for operation in 2013.

**2) Town of Seneca Falls, Special Use Permit, Seneca Energy II LLC**

John Swanson moved and Gordon Burgess seconded adoption of Resolution 21-16, recommending approval for the Special Use Permit request submitted by Seneca Energy II LLC. The property which is leased from Seneca Meadows is located at 2121 Route 414. Ms. Haynes stated that the existing plant cleans, compresses and conditions landfill gas so that the product can meet utility specification levels. As stated earlier, the cleaned methane which will meet standards for natural gas will be tied into the existing pipeline that runs along Route 414. The waste product stream will be burned by the thermal oxidizer. The flare will be used if the high process plant and thermal oxidizer are down. The potential emissions have been determined by New York State Department of Environmental Conservation (NYSDEC) to be below the significant increase threshold. Ms. Haynes stated that this project was required to return to the Town for a site review process as this is being treated as an expansion of the previously approved application, and that some of the equipment was not included in the original site diagram. The footprint of the facility is not changing. Ms. Haynes stated that Part I of the Short Environmental Assessment Form has been completed. Ms. Haynes stated that it is the purpose to mitigate some of the odor issues that are being experienced in the area. Landfill gases which are not processed and treated by this facility are "flared off". She stated that closed landfills produce gases for 20 years after closing. By allowing the facility to install an additional H2S removal vessel and two economizer cooling units, it will allow the facility to treat more of the landfill gases now and for years after the facility is closed. Carried 9 – 0.

**3) Town of Fayette, Special Use Permit, Lott, Virginia**

Michael Scaglione moved and Betty Berger seconded adoption of Resolution 22-16, recommending approval for a Special Use Permit. The applicant, Virginia Lott, is proposing to construct an addition onto her single-family home located at 2194 Yellow Tavern Road. The addition will include a garage and certified kitchen to allow for commercial production of food. The applicant intends to operate a catering business and to conduct cooking classes. The one acre property is surrounded by agricultural and residential land. The addition will be located behind the house but extend west past the side to accommodate entering the garage portion. The proposal should have no significant impact on traffic patterns. Carried 8 – 0 with an abstention from Tom Scoles.

**4) Town of Romulus, Special Use Permit, Hertzler, Joseph**

Gordon Burgess moved and John Swanson seconded adoption of Resolution 23-16, which recommends conditional approval for a Special Use Permit. The applicant intends to purchase property to build and operate a 60' X 100' grocery store near his home, on the southern portion of the triangle piece between Route 96 and Route 414. The proposed driveway is to be located from Route 414. There is no indication that New York State Department of Transportation (NYSDOT) has been contacted. Ms. Haynes stated that upon researching the project, she learned that the title to the property has indeed already been transferred. Furthermore, since only a portion of the property was purchased, it is probable that a subdivision review is needed. Ms. Haynes stated that to the best of her knowledge, this did not go through subdivision review by the Town of Romulus. Tom Scoles, Principal Public Health Sanitarian, explained what requires a County Public Health Permit in regards to food preparation, serving food and selling food for consumption elsewhere. He stated that New York State Department of Agriculture and Markets establishes which food service facilities fall under its jurisdiction and others under the

Public Health Department. Conditional approval is recommended upon 1) the applicant demonstrating standing to submit this application, 2) the Town of Romulus making a determination that either a subdivision is not needed or that process being completed, 3) permit from NYSDOT for commercial access drive as proposed. The Seneca County Planning Board also recommends the granting of approval of a subdivision of Tax Parcel 13-1-01 if such is needed. Carried 8 – 0. Board member, Michael Scaglione, abstained from voting.

**5) Town of Seneca Falls, Area Variance, Cordaro, Joseph**

Tom Scoles moved and Michael Smith seconded adoption of Resolution 24-16, which recommends the request for an Area Variance be left solely to local determination. Mr. Cordaro intends to construct an 8' X 10' attached shed for storage to the east of the existing garage, and north of the workshop extension. The project will be on the road side of the house located at 2313 Lower Lake Road. The proposed addition meets all setback requirements. Carried 9 – 0.

**6) Town of Seneca Falls, Area Variance, Roper, Edwin & Debra**

Michael Scaglione moved and Betty Berger seconded adoption of Resolution 25-16, recommending that the request of an Area Variance be left solely to local determination. The applicants are seeking the Area Variance to replace their existing 12' X 20' garage with a larger garage (14' X 34'). The .53 acre lot is located at 2949 East Bayard Street. Ms. Haynes stated that the current garage has a setback of 5' to 6' from the east property line. This action will be considered an increase in the variance as the building will be that distance from the property line for 34' rather than the current 20'. The Seneca Falls Town Zoning requires a minimum of a 10' setback. The increased variance should have no impact on the adjacent County Road. Carried 9 – 0.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

***Membership:***

Chairman Dalrymple stated that a letter dated April 30 was received from Keith Beck stating that he is resigning from the Board citing health reasons.

It was reported that member, Jack Freer, has passed away.

Ms. Haynes stated that the membership is at a total of 12, with one being an alternate member. This makes it harder to meet the quorum of eight members. Ms. Haynes stated that half of the Board members are up for reappointment and terms expire June 30. All Town Supervisors have been notified of the membership status and were asked for their input of either reappointing current members and/or submitting new names. Harriet stated that it is the intent to have the resolution prepared for submission to be presented to the full Board of Supervisors in June. Ms. Haynes stated that legally, when a member's term expires, the person serves until the vacancy is filled.

It was stated that Pam Kirk has moved out of the area; therefore, she can no longer serve.

***Training:***

Ms. Haynes stated that the fall training session which is given by Department of State representatives and co-sponsored by Seneca and Wayne County Planning Departments is tentatively scheduled for September 21 in Seneca County. Once again, the training will be held in the Office for the Aging in the County Office Building.

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

Respectfully submitted,

Mary DeStefano, Staff Resources Asst.  
Secretary