

**MINUTES  
SENECA COUNTY PLANNING BOARD  
AUGUST 8, 2019**

**FORMER OFFICE FOR THE AGING ROOM, 1<sup>ST</sup> FLOOR  
COUNTY OFFICE BUILDING  
WATERLOO, NEW YORK**

**MEMBERS PRESENT:** Betty Berger, Charles Brady, Gordon Burgess, William Dalrymple, Sally Kenyon, Mark Lott, Tom Scoles, John Swanson, Melvin Wagner and David Wood (Alternate)

**MEMBERS CALLED:** Henry Bickel, Michael Enslow, Mary Kelleher (Alternate) and Michael Scaglione

**MEMBERS ABSENT:** John Pigman, Jr.

**STAFF:** Jill Henry, Director; Harriet Haynes, Sr. Planner; Joe McGrath, Grants Management Specialist; and Mary DeStefano, Staff Resource Asst.

**GUESTS:** Robert Aronson, Executive Director, Seneca County Industrial Development Agency; Tom Bouchard; J. Peter Gregoire; Lindsey Haubenreich, Esq., Phillips Lytle LLP Law Firm (Seneca Dairy Systems Project); Bill Karlsen; Patrick Nicoletta, P.E., MRB Group; and Don Northrup, Administrator, Village of Waterloo

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

Chairperson Dalrymple appointed Alternate David Wood to sit in for absent member, Michael Scaglione.

The Minutes of the July 11, 2019 meeting were approved by a motion of John Swanson and seconded by Sally Kenyon. Carried 10 – 0.

**PUBLIC COMMENTS:** Please see below.

Ms. Jill Henry introduced herself as the director of the County Department of Planning and Community Development. Ms. Henry stated that she was appointed as director of the department last fall, and stated that she primarily focuses on the community development aspect of the department and defers the planning component to Harriet Haynes and Joe McGrath. Board members introduced themselves.

GML agenda items were rearranged to accommodate guests in attendance.

**GML Reviews:**

**1) Town of Fayette, Site Plan Review, Village of Waterloo**

Mr. Patrick Nicoletta, P.E., of MRB Group, displayed a rendering of the proposed site on Woodworth Road in the Town of Fayette for the installation of a pressure reducing valve. Mr. Nicoletta stated that this project is one component of a proposed larger project for water system improvements for the Village of Waterloo to be done this year. Mr. Nicoletta stated that the 20' X 32' building that will house a pressure releasing valve will be located on 3.3 acres. Mr. Nicoletta stated that the building will be 56' from the center of the road. It was reported that the surrounding neighbors are in agreement with the project but would prefer a buffer between the building and the residences. The Village of Waterloo personnel will occasionally visit the site for maintenance purposes but there will be no daily activity at the building. A small emergency generator will be located at the rear of the structure. Mr. Nicoletta stated that all setbacks are in accordance with regulations with the exception of the front setback. Mr. Nicoletta stated that the automated valve will replace the older manual valve.

Sally Kenyon moved and John Swanson seconded adoption of amended Resolution 36-19. Mr. McGrath stated that the installation of the pressure reducing valve will regulate the flow and pressure of water from the water storage tank located near the village water treatment plant on Kime Road. The new valve will automatically maintain proper water pressure for regular water usage as well as for emergency firefighting uses. The upgraded valve will

reduce deterioration on village and household water lines and pipes. During the discussion referencing setbacks, it was uncertain as to the required road setback. Therefore, amended Resolution 36-19 states "RESOLVED, that the Seneca County Planning Board recommends that this request for Site Plan Review be approved, and be it FURTHER RESOLVED, that the Seneca County Planning Board recommends that any setback variance which may be required be approved." Carried 9 – 0. Mark Lott abstained.

## **2) Town of Romulus, Zoning Map Amendment**

Gordon Burgess moved and John Swanson seconded adoption of Resolution 37-19, recommending approval of the Town of Romulus Local Law #1 of 2019. Ms. Haynes stated that the Zoning Map Amendment would rezone a portion of property located within the former Army Depot from Agriculture to the Warehouse, Industrial, Transportation, Energy (WITE) Zone to facilitate the development of a galvanizing mill processing center. The facility to be owned by Seneca Dairy Systems will be situated on 18 acres at the southwest corner of West Romulus Road and Fayette Road. Ms. Haynes stated that one could question if this constitutes "spot zoning" because it is for a single entity; however, this is not the case because it is expanding an existing zone and not creating a new zone. Ms. Haynes stated that the property was originally zoned agriculture out of a desire to have the road along the town line redeveloped and made available to residential development; however, this has not occurred and is unlikely to take place. Ms. Haynes stated that federal and state funding is not being committed for such future road improvements. Ms. Haynes stated that if the parcel of land does undergo rezoning, the proposed project will be required to meet criteria established for Site Plan Review as well as reviews by other agencies. A comprehensive environmental review and permitting process will be undertaken by the New York State Department of Environmental Conservation (NYSDEC).

Ms. Haynes referred to the wording under the "Recommendation" section of the report, stating that the word "left" before "approved" is an error and should be omitted.

Board member, John Swanson, stated that he was unfamiliar with the process of galvanizing.

Ms. Haubenreich, Esq., of Phillips Lytle LLP Law Firm, introduced herself as representing Mr. Earl Martin and Seneca Dairy Systems (SDS). Mr. Robert Aronson, Executive Director, of the Seneca County Industrial Development Agency (SCIDA), introduced himself. The following items were addressed:

- Ms. Haubenreich stated that galvanizing is the process of dipping fabricated steel parts into a large kettle containing molten zinc, which produces a chemical reaction that forms a tight bond between the steel and the zinc. The result of galvanizing provides superior corrosion protection for steel parts and increases the longevity, durability, and sustainability of steel products. Ms. Haubenreich stated that Mr. Martin is very selective of the steel he galvanizes.
- In relation to the air emissions, Ms. Haubenreich stated that the reports indicate that the project should qualify for an Air Registration Certificate due to the small amount of air emissions. All fumes will be captured and processed through scrubbers.
- Mr. Aronson stated that in May of 2019, Seneca Dairy Systems, owned by Mr. Earl Martin, submitted an application to the Seneca County Industrial Development Agency. At that time, the Analysis of Environmental Impacts pursuant to the New York State Environmental Quality Review Act (SEQR) was completed and the IDA was declared lead agency for the purposes of a coordinated review. Mr. Aronson stated that the Reports are available for review through the IDA office as well as the Town of Romulus web site. Ms. Haynes stated that the reports are also available for review in the County Planning Department.
- Board members expressed concerns regarding storage and disposal of chemicals. Ms. Haubenreich responded by reporting that actual acid gets reprocessed through the system. There are no plans for on-site disposal or storage of chemicals except for what chemicals are contained in the tanks.
- It was explained by Ms. Haubenreich and Mr. Aronson that the galvanizing process will begin with a degreaser bath. The process of degreasing is a method of removing grease, oil and dirt from steel parts by submerging the parts in a tank of degreaser bath solution. This process includes the use of phosphoric acid-based degreaser solution to clean the steel parts. The degreaser bath solution will be composed of approximately 90% water to 10% phosphoric acid-based degreaser. To reference the pH level, it was explained that the level will equal the pH as in Coca-Cola.
- Ms. Haubenreich explained that the facility will house 12 8,000 gallon tanks with some tanks containing water.
- Ms. Haubenreich stated that a comprehensive Health and Safety Plan has been developed and emergency training will be mandated for all personnel.

- Ms. Haubenreich stated that the design of the technology is so that the tanks will never have to be replaced and it will be many years before the recycled chemicals have to be transported. At that time, the recycled chemicals would be transferred by truck to a recycling plant in Ohio. Ms. Haubenreich reiterated that DEC is very familiar with the project and all the environmental information is contained in the written reports available for public review.
- Mr. Aronson and Mr. Tom Bouchard commented that Mr. Martin has been very involved in the redevelopment of Depot land, including promoting conservation of habitat for the herd of white deer. Mr. Bouchard stated that thus far, there has been no opposition to Mr. Martin's reclamation efforts for Depot property, and town officials are carefully overseeing this project so that proper steps are taken and that the project proceeds without any conflict.

Some Board members expressed skepticism and/or concerns regarding the emissions of chemicals, transportation of chemicals, and the limited knowledge of workers that will be employed in the processing operation.

Ms. Haynes provided to Board members copies of color-coded maps delineating the current zoning map for the Town of Romulus as well as a map of the proposed rezoning. Ms. Haynes reiterated that this review is for the Zoning Map Amendment only and that review for Site Plan and Special Use Permit would occur as the project moves forward. Carried 10 – 0.

### **3) Town of Romulus, Minor Subdivision, Warne, Donald and Judith**

Sally Kenyon moved and Mark Lott seconded adoption of Resolution 38-19, recommending approval of a Minor Subdivision request forwarded by the Town of Romulus. The applicants own approximately 124.6 acres of land located at the southeast corner of Varick Romulus Townline Road and County Road 129. The applicants will retain a 21 acre parcel that includes their residence, garage and pond. The remaining 85+ acres from the parcel will be transferred along with 73.89 acres from an adjacent parcel to a farmer who has been leasing the land for agricultural production. The surrounding land is a mixture of residential and agricultural properties. Carried 10 – 0.

### **4) Town of Varick, Minor Subdivision, Gregoire, James Peter**

John Swanson moved and Gordon Burgess seconded adoption of Resolution 39-19, recommending approval of a Minor Subdivision. The 2.39 acres is situated at the southwest corner of Route 89 and Ernsberger Road. Mr. Gregoire is proposing to divide 2.39 acres into two lots – 1.10 acres off of Route 89 and 1.29 acres accessing onto Ernsberger Road. Ms. Haynes stated that each parcel will meet the minimum size and setback requirements. No negative or significant impact on inter-municipal or county purposes is anticipated. Carried 10 – 0.

### **5) Town of Fayette, Site Plan Review, Sinicropi-Elias, Jessica**

Sally Kenyon moved and David Wood seconded adoption of Resolution 40-19, recommending conditional approval for a Site Plan Review. The applicant is proposing to construct an addition to a small hair salon located off of Route 96 (Marshall Road) before entering the Village of Waterloo. Mr. McGrath stated that the applicant submitted a set of stamped architectural drawings for the addition but did not submit a site plan. Mr. McGrath stated that he had a conversation with the architect today and was told a site plan will be submitted but not in time for tonight's meeting. Mr. McGrath stated without an actual site plan, there is no way to determine proposed setbacks, additional parking, vegetation, etc. Mr. McGrath stated that the neighborhood consists of mixed uses – commercial, residential and agricultural. Conditional approval is recommended based upon the submission of a site plan to the Fayette Town Planning Board. Carried 8 – 0. Charles Brady and Mark Lott abstained.

### **6) Town of Fayette, Site Plan Review & Special Use Permit, Mahuson, Richard and Linda**

Gordon Burgess moved and John Swanson seconded adoption of amended Resolution 41-19, recommending conditional approval. Mr. McGrath stated that the Mahuson request for Site Plan Review and Special Use Permit is the first request submitted for a short-term rental in the Town of Fayette since the town adopted regulations this year. The property is located at 4387 Route 89 situated on 1.10 acres. Mr. McGrath stated that the applicants are seeking the variance to allow for 12 person occupancy in the short-term rental; however, the regulations permit a maximum of 10 persons. The applicants are seeking a variance to allow the number of parking spaces to be seven when the regulations only allow five spaces. Mr. McGrath stated that the Regulations address the capacity of septic systems. Mr. McGrath stated that the application is lacking an Engineer's Certification to Capacity and Compliance with Code Rule 75-A. There was much discussion regarding the formula of square footage per bedroom for guests. Additionally, board members were concerned with proper emergency exits, and smoke and carbon monoxide detectors being made available. Board member, Tom Scoles, emphasized the importance of having the proper septic system design and that the system will have to undergo an inspection from the County Public Health Department. The capacity of the septic system is determined by the number of bedrooms in the structure and 10 persons on site may still stress an approved system. There was some discussion comparing the occupancy

restrictions for a bed and breakfast vs. a short-term rental. Resolution 41-19 was amended to read "this request be approved conditional upon 1) maximum occupancy be limited to 10 persons and parking spaces be limited to five 2) the applicants provide documentation that their septic is compliant with Code Rule 75-A and an Engineer's Certification of Capacity." Carried 8 – 0. Charles Brady and Mark Lott abstained.

**7) Town of Tyre, Area Variance, Allied Sign Co. / Travel Centers of America**

Tom Scoles moved and Mark Lott seconded adoption of Resolution 42-19, recommending that a request for an Area Variance be left solely to local determination. The request is to allow the change of signs at the Petro Travel Center located on Route 414. The name of the MinitMart is being changed to GOASIS. Ms. Haynes stated that the calculation of the area is changing and the replacement of the signage is larger. The proposal is to change the pylon signs at the same size. The building mounted signs will have a larger size due to the way the signs will be constructed. The current signs show the siding of the building behind the lettering and the new signs will be a solid piece covering about the same area but technically larger. The proposal will have no impact on county plans or purposes. Carried 10 – 0.

**8) Town of Romulus, Minor Subdivision, McCoy, Brian**

Gordon Burgess moved and John Swanson seconded adoption of Resolution 43-19, recommending approval of a Subdivision request. The applicant, Brian McCoy, is proposing a two-lot subdivision by removing 12 acres from a 20+ acre parcel and creating a second lot consisting of 8.48 acres. The land is located on the east side of Route 96A, extending back to Baptist Church Road in the Town of Romulus. Ms. Haynes stated that Mr. McCoy will retain the 8+ acre parcel that has access onto Route 96A which abuts another parcel he owns. The 12 acre parcel that fronts onto Baptist Church Road will be transferred to the property owner to the south of the acreage. Ms. Haynes stated that both parcels will have adequate road frontage. The property is primarily a mixture of residential and agricultural land. Carried 10 – 0.

**9) Town of Fayette, Area Variance & Site Plan Review, Meyn, Charles and Terrie**

John Swanson moved and Sally Kenyon seconded adoption of Resolution 44-19, which recommends approval for an Area Variance and Site Plan Review. The applicants are proposing to construct an addition to their residence located at 3076 Route 89 in the Town of Fayette. Mr. McGrath stated that the addition will be 10' X 22.1' on the eastern facing front of the house. The existing structure is oriented with the front facing slightly to the northeast, instead of directly east. The property lines are also oriented to a slight south-east angle. As a result, the proposed addition would encroach into the required 10' setback. The northeast corner of the addition would be 9.3' within that setback and will require a setback Area Variance. The other aspect of the site plan that appears to be changes from the existing structure is the addition of a patio on the front of the house. Mr. McGrath stated that neither the addition nor the patio will have any impact on county or state facilities. Carried 8 – 0. Charles Brady and Mark Lott abstained.

**OLD BUSINESS:** None.

**NEW BUSINESS:** Establish Meeting Schedule:

Ms. Haynes stated that the Board needs to officially schedule when the future County Planning Board meetings should be held. Members were in agreement for adoption of the new schedule having meetings commence at 7:00 p.m. on the second Thursday of each month at the County Office Building unless otherwise announced. A schedule for September 2019 through August 2020 will be sent to local municipalities.

Training Workshop:

Ms. Haynes stated that the annual local training workshop that is co-sponsored by the Wayne and Seneca County Planning Departments has been scheduled for Tuesday, October 1<sup>st</sup>. This year's training will be held in Wayne County at the Emergency Services Facility located in the same complex as the Sheriff's Department on Route 31 in Lyons. A flyer with further details will be forthcoming in late August.

The meeting adjourned at 8:35 p.m. by motion of John Swanson.

Respectfully submitted,

Mary DeStefano, Staff Resource Asst.  
Secretary