

**MINUTES
SENECA COUNTY PLANNING BOARD
FEBRUARY 14, 2019**

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

MEMBERS PRESENT: Betty Berger, Henry Bickel, Gordon Burgess, William Dalrymple, Michael Enslow, Mark Lott, John Pigman, Jr., Michael Scaglione, Tom Scoles, Michael Smith, John Swanson and Melvin Wagner

MEMBERS CALLED: Charles Brady, Mary Kelleher, Sally Kenyon and David Wood

MEMBERS ABSENT: See Above

STAFF: Harriet Haynes, Sr. Planner, Joe McGrath, Grants Management Specialist and Mary DeStefano, Staff Resources Assistant

GUESTS: Anthony Dendis, Dendis Sand & Gravel, Inc.; Jeff Shipley, President & CEO, Seneca County Chamber of Commerce; and Peter Vars, P.E., BME Associates

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

The Minutes of the December 13, 2018 meeting were approved by a motion of John Swanson and seconded by Gordon Burgess. Carried 12 – 0.

PUBLIC COMMENTS:

Mr. Peter Vars of BME Associates stated that he was in attendance regarding the Site Plan application submitted by del Lago Casino & Resort. Approvals are being sought for the expansion of the Casino's designated outdoor smoking area. Mr. Vars will address any questions Board members may have about the proposed project.

Mr. Anthony Dendis, Dendis Sand & Gravel, Inc., stated that he was present for the proposed subdivision on Route 96 that is being reviewed at tonight's meeting.

GML Reviews:

1) Town of Tyre, Site Plan Review, del Lago Casino & Resort

Michael Scaglione moved and Michael Smith seconded adoption of Resolution 1-19, recommending that the request for Site Plan Review be left solely to local determination. Site renderings and elevation drawings were distributed for review. Mr. McGrath stated that the proposed project is to expand the designated outdoor smoking area and patio located on the south side of the Casino building. The existing smoking patio is approximately 1,280 sq. ft. and a total of 6,400 sq. ft. is the proposed increased size. Mr. McGrath stated that the sidewalk portion of the patio will be directly in front of the fitness center. Mr. McGrath stated that upon initial review of the application documents, he was unaware of the fact that the designated smoking area includes digital slot machines. Mr. McGrath stated that the number of slot machines will be increased along with the expansion but the machines will be removed from the inside of the Casino. Mr. McGrath stated that the parking lot area will be reconfigured to eliminate 21 parking spaces adjacent to the proposed smoking area due to the slight reconfiguration of a fire lane/driving lane around the perimeter of the parking lot. The changes to the parking lot will include adjustments to the parking islands at the end of parking rows for better traffic flow. The proposal also involves the addition of an electrical manhole. The outdoor smoking area will be heated and will have radiant heated flooring. Board member, Gordon Burgess, stated he has concerns regarding the ventilation system properly filtering the air out of the Casino. Gordon stated that New York State has laws protecting employees from smoke in the workplace. Board member, Tom Scoles, who is also a Principal Public Health Sanitarian for Seneca County, stated that the Public Health Department has been aware of the proposed project and there are many concerns that need to be addressed. Mr. Scoles stated that the County Code Enforcement Department has many concerns too. The New York State Clean Indoor Air Act was cited which imposes restrictions on smoking indoors for business establishments. These specific laws are in place to protect workers from second hand smoke exposure. When asked if Casino employees will be serving in the smoking area, Mr. Scoles reported that he was told that no servers

will be entering the designated space. Mr. Vars, Project Engineer, stated that the Town of Tyre has addressed many concerns with the ventilation system as well. Mr. Vars stated that the Project Mechanical Engineer submitted to the Town of Tyre today documentation regarding the ventilation system. Mr. Scoles stated that the Seneca County Public Health Department should receive the Mechanical Engineer's report. Mr. Vars stated that the Rivers Casino located in Schenectady, New York, is similar to the del Lago facility and that the engineers will be reviewing the ventilation system in operation at the Rivers Casino. Mr. Vars stated that several necessary permits need to be issued through authorizing agencies prior to proceeding with the project. Carried 10 – 0. Henry Bickel and Tom Scoles abstained.

2) Town of Waterloo, Major Subdivision Review, Dendis, Joseph

John Swanson moved and Henry Bickel seconded adoption of Resolution 2-19, which recommends conditional approval for a Major Subdivision Review. The applicant is proposing to create 30 new residential lots off of Route 96, west of Mills Road. There will be 70' of road frontage and a single access into the subdivision. Ms. Haynes stated that the parcel has no other access opportunities to the site. Ms. Haynes stated that the access road will be built to Town standards and that the Town will take dedication of the road once a certain amount of development has been established; however, no specifics have been given as to what the development is. Ms. Haynes stated that a trigger point needs to be defined for such dedication. The parcel does not provide for the access drive to be moved to offer the best visibility for the intersection to eliminate blind spots. There is no indication that the applicant has been in communications with New York State Department of Transportation (NYSDOT) for approval of the road creation. The Town of Waterloo should also be in discussions with NYSDOT to assure that the road would meet any requirements for connection of a Town Road with the State Highway. If the intersection is deemed to have restricted visibility, the applicant should be responsible for the cost of any necessary warning signs. Ms. Haynes stated that the proposed pavement width of the access drive is 22'; however, NYS Building Code *Section D103.1 Access Road Width With a Hydrant* states "Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26', exclusive of shoulders." Therefore, the width of the road, excluding shoulders, should be increased to a minimum of 26'. It could also be prudent for the length of the culvert to be increased so in an emergency, there would be increased space for maneuvering around the culvert. Ms. Haynes stated that while the turning radius of the cul-de-sac appears to meet minimum standards, serious thought should be given to if this should be increased. The turning around of large vehicles will not be limited to emergency vehicles but also include snowplows, school buses, construction equipment and service or delivery vehicles. The Seneca County Code Enforcement Office should sign off on road widths and the radius of the cul-de-sac. Municipal water is proposed for this project. The plans show a single line providing potable water and water for fire hydrants. The size of any water main for fire suppression purposes should be approved by the Seneca County Code Enforcement Office. Ms. Haynes stated that the residential lots are shown to have the septic tanks to the front of the parcel. She said that this is commendable as the design will allow for easier connection to public sewer if it becomes available. There is no indication as to whether electrical lines will be buried. The Town should require that all electrical lines be buried and receive approval from NYSEG that all standards are met. The property is located in an Agricultural District and will remove 44.77 acres from potential agricultural production. No Agricultural Data Statement was included with the application. It appears that a Federal Wetland is located on the property where construction of the road will occur. The maps also show that just off the north end of the property, a wetland that is both a Federal Wetland and a New York State Wetland exists. Ms. Haynes stated that there is no indication that these wetlands have been delineated to determine their actual boundaries. Federal Wetlands on the property will require approval from the U.S. Army Corps of Engineers for any filling activity. State Wetlands will require verification from New York State Department of Environmental Conservation (NYSDEC) that any proposed activity is allowed within 500' of the Wetland Boundary. Board member, Mark Lott, questioned if it is required to have retention ponds surrounded by fencing. Ms. Haynes stated that she was unsure and would have to look into it. Mr. Scoles stated that the proposal would have to be submitted to the Seneca County Public Health Department for review and approval. Final approval is recommended conditional upon: 1) a signed document between the Town and developer as to the conditions that will be met for the Town to take dedication of the road, 2) approval by NYSDOT for the road access to Route 96 as this is a change of use, 3) information that the Town has been in conversation with NYSDOT to determine if particular requirements need to be met with this as a proposed Town Road, 4) that for fire suppression purposes, the Seneca County Code Enforcement Office sign off on a) the diameter of the water line to service the hydrants, b) the pavement width, and c) the diameter of the cul-de-sac, 5) that NYSEG has granted approval for the development with buried electrical lines, and 6) that the applicant demonstrate that wetlands on the property have been delineated and that the U.S. Army Corps of Engineers has approved any activity regarding fill-in of any Federal Wetland and that the NYSDEC has granted approval for any activity within 500' of a State Wetland. Carried 10 – 0. John Pigman, Jr. and Michael Smith abstained.

3) Town of Tyre, Site Plan Review, Seneca County Chamber of Commerce

Gordon Burgess moved and John Pigman, Jr., seconded adoption of Resolution 3-19, which recommends approval for a Site Plan Review submitted by the Seneca County Chamber of Commerce for the construction of the Finger Lakes Gateway Visitor Center and Chamber of Commerce offices at property located on the northwest corner of Routes 318 and 414. The 2.62 acre parcel includes a historic Federal style house once owned by Dr. Magee.

Ms. Haynes called on Mr. Jeff Shipley to introduce himself. Mr. Shipley stated that he is the CEO and President of the Chamber of Commerce and that he was attending the meeting to answer any questions pertaining to the proposed project.

Ms. Haynes stated that the proposed renovation will preserve the existing Federal style house, and that the property will meet code standards for use as an area of public occupancy. The existing house has approximately 3,000 sq. ft. of floor space and a proposed addition will add approximately 1,000 sq. ft. of floor area. The first floor will be used as an interpretive/exhibition Visitor Center and the second floor will have four offices for Chamber of Commerce staff. The two existing driveways will be removed and access to the property will be to the far west side of Route 318 frontage of the parcel, moving the entrance as far from the intersection as possible. Approval from the NYSDOT is pending. The impervious surfaces will be increased by .5 acre due to the addition to the building, the extra driveway area and the development of parking for 35 vehicles to the north and west of the building. The existing garage and two storage buildings will be removed. Storm water runoff will be directed to a storm water management facility located on the northwest portion of the parcel. Storm water will ultimately exit to Black Brook.

Ms. Haynes stated that this site had been previously considered for the development of Dunkin' Donuts and multiple applications for the project were reviewed by this Board. At that time, the applicants wanted to totally remove the structure and replace with new construction. The Dunkin' Donuts developers abandoned the idea as they were not willing to reuse the original portion of the house by incorporating it into the new construction design. Tyre Town officials did not want to see the structure demolished and an agreement could not be met.

Mr. Dalrymple questioned if there would be any display in the Visitor Center with dedication to Dr. Magee with reference to the historical significance of the structure. Mr. Shipley responded that the Chamber has been working with the Seneca Falls Heritage Preservation Commission regarding a proper dedication to Dr. Magee and the historic site for display inside the building.

Carried 10 – 0. Henry Bickel and Michael Scaglione abstained.

4) Town of Waterloo, Zoning Amendment, Solar Energy Systems

John Swanson moved and Melvin Wagner seconded adoption of Resolution 4-19, recommending conditional approval for a proposed Zoning Amendment regarding Solar Energy Systems. Mr. McGrath commended the Town of Waterloo in doing a good job in developing the Zoning Amendment, specifically relating to the bond requirements and the decommissioning of the solar energy system at the end of its life use. The proposed Zoning Amendment for Solar Energy Systems is well suited to establish regulations for large and small scale solar energy systems. Mr. McGrath stated that in the definition section of "Soils", two terms pertaining to soil classification of Prime Farmland and Farmland of Statewide Importance were defined. The proposed amendment does not include any regulations based on the conservation of soil resources. Mr. McGrath stated that Soils Regulations are appropriate for large scale solar installations above 25kW. Mr. McGrath stated that through the New York State Energy Research Development Authority (NYSERDA), the Township of Bethlehem, New Jersey is provided as being a model community for soil conservation in large scale solar permitting. Bethlehem adopted as part of its special use permit consideration that "Grid-scale solar energy facilities shall not be located on properties with greater than 85% prime agricultural soils with the exception of properties in the ROM and MFG zoning districts." Mr. McGrath stated that if the Town of Waterloo wishes to adopt regulations on solar energy systems aimed at farmland conservation of the best soils, the Town can add a similar provision to the special use permit application requirements for a percentage of prime soils on the parcel. Including the requirement in the special use application places the responsibility on the developer to produce a soils map demonstrating compliance. The proposed regulations address the use of the Unified Solar Permit for small scale solar energy installations less than 25kW. Mr. McGrath stated that in order to utilize the Unified Solar Permit, the Town must enter into a Memorandum of Understanding (MOU) with Seneca County. The Unified Solar Permit creates a single application for both zoning and building permits. The MOU details how the coordination will work between the Town and the Seneca County Code Enforcement Department. Tom Scoles questioned whether the Unified Solar Permit was beneficial in Seneca County because Seneca County, not the local municipality, enforces the New York State Building Codes. It was explained that a MOU had been drafted and procedures put in place for applicants wishing to do small scale solar

projects in the towns and villages that had signed the MOU with the County, the applicant only has to complete one application form. The directing and processing of it has been coordinated between the local municipality and the County Code Enforcement Office. The Town of Romulus has signed the MOU with Seneca County. Conditional approval is recommended upon 1) the Town Board considers adopting the Unified Solar Permit and 2) the Town Board consider including soil regulations in the special use permit requirements. Carried 12 – 0.

5) Town of Fayette, Site Plan Review, Stevens, Melissa & Aaron

Michael Scaglione moved and Henry Bickel seconded adoption of Resolution 5-19, recommending approval. The property owners reside at 3092 Route 89 and wishes to expand the footprint of their house and garage. The increased footprint will extend the house to the rear by approximately 5' and to increase the width of the garage by extending 6'. Ms. Haynes stated that the new construction will take the total depth of the house up to 32', and that all of the addition to either the house or garage will be immediately behind the current structure. Carried 11 – 0. Mark Lott abstained.

6) Town of Varick, Minor Subdivision, Brown, Sylvester Living Trust

Michael Smith moved and Mark Lott seconded adoption of Resolution 6-19 recommending approval. The Minor Subdivision will create two parcels from the parent parcel of 7.6 acres: Parcel A – 1.735 acres and Parcel B – 5.906 acres. The property is Residential vacant land on the east side of East Lake Road, 1,350' north of Deal Road. Both acres have adequate road frontage of at least 100'. Ms. Haynes stated that the smaller lot to the north will be approximately 100' wide and is compliant to zoning requirements. This lot is located in two zoning districts – the Lakeshore Residential and Agricultural Residential Districts. Each of the new parcels will also be located in both Districts. Carried 12 – 0.

7) Town of Varick, Minor Subdivision, Brown, Jodi

Gordon Burgess moved and John Swanson seconded adoption of Resolution 7-19, which recommends conditional approval. The applicant, Jodi Brown, owns just over one acre located at 2522 County Road 124. The applicant's father owns approximately 18 acres surrounding the smaller parcel. The proposal is to divide a .188 acre parcel off of the 18 acres to be added to the one acre parcel that has a residence. Ms. Haynes stated that this is being done as the owner of the small parcel has a shed that is located on the parcel to be divided so 33' along the smaller parcel's west side will be deeded and attached to that parcel. Conditional approval is recommended upon the .188 acres to be divided off be attached to the adjoining property. Carried 12 – 0.

8) Town of Varick, Minor Subdivision, Hogue, Jeff

Henry Bickel moved and Mark Lott seconded adoption of Resolution 8-19 recommending conditional approval. The parcel is located at 5577 East Lake Road. The subdivision involves three parcels. The proposal is to divide the .34 acre parcel. An area of 45' wide will be retained by the current owner and will make his combined holdings 100' wide. The 10' would be sold to Mr. Hogue, making his property 70' wide rather than 60'. Ms. Haynes stated that it appears that Mr. Hogue may be considering converting his property into a year round residence rather than a seasonal residence. Approval is conditional upon both portions of Tax Parcel 10-4-25.12 being attached to an adjoining property. Carried 12 – 0.

9) Town of Seneca Falls, Minor Subdivision, Poormon, Arlene

John Swanson moved and John Pigman, Jr., seconded adoption of Resolution 9-19, recommending conditional approval. The applicant owns approximately 37 acres on Bauer Road and intends to retain one acre that will remain with the applicant's residence and sell the surrounding agricultural land consisting of 36.45 acres. The land to be sold will continue in agricultural production. Carried 12 – 0.

OLD BUSINESS: None.

NEW BUSINESS: None.

The meeting adjourned at 8:05 p.m. by motion of John Swanson.

Respectfully submitted,

Mary DeStefano, Staff Resources Asst.
Secretary