

**MINUTES  
SENECA COUNTY PLANNING BOARD  
JULY 11, 2019**

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

**MEMBERS PRESENT:** Betty Berger, Henry Bickel, Gordon Burgess, William Dalrymple, Mary Kelleher (Alternate), Sally Kenyon, Mark Lott, Michael Scaglione, Tom Scoles, John Swanson and Melvin Wagner

**MEMBERS CALLED:** David Wood (Alternate)

**MEMBERS ABSENT:** Charles Brady, Michael Enslow and John Pigman, Jr.

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

**GUESTS:** Bob Gage, Sr. Vice President of Net Lease Development, GBT Realty Corporation (Late Arrival); Tom Kime; Tom O'Bine and Heidi and Paul Shaffer

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

Chairperson Dalrymple appointed alternate Mary Kelleher to sit in for the vacant member position.

The Minutes of the June 13, 2019 meeting were approved as amended by a motion of Michael Scaglione and seconded by John Swanson to read under "Members Called: Mary Kelleher (Alternate)". Carried 11 – 0.

**PUBLIC COMMENTS:** See Below.

**GML Reviews:**

**1) Town of Fayette, Subdivision Review, Dorothy Kime Estate**

**Public Comments:**

Mr. Tom Kime stated that the application for subdivision was submitted to settle his mother's estate. Mr. Kime referenced the colored map delineating the parcel that will be divided between Mr. Kime's brother and the applicant. Mr. Kime also referred to copied photos of property showing before and after proper measures were taken for erosion control. Approximately 70 acres will be transferred to Mr. Kime's sibling for agricultural production. The remaining portion of property will be retained by the applicant to have control of drainage and undeveloped land.

John Swanson moved and Sally Kenyon seconded adoption of Resolution 30-19, recommending that the Subdivision request for a parcel of the Estate of Dorothy Kime from the Town of Fayette be approved. Ms. Haynes referenced the colored subdivision map and explained that the small .338 acre parcel identified as "Parcel A" is intended to be attached to the parcel which is residential property owned by the executor, Mr. Tom Kime. As stated earlier, the brother will continue to farm the transferred land. Ms. Haynes stated that Mr. Kime's residence is a standalone parcel that has access off of Kime Beach Road. Ms. Haynes stated that this action should have no negative impact on County roads or purposes. Carried 10 – 0. Board member, Mark Lott, abstained.

**2) Town of Seneca Falls, Use Variance, GBT Realty Corporation**

**Public Comments:**

Ms. Heidi Shaffer stated that she learned today at 5:00 p.m. that the County Planning Board was meeting to discuss a proposed project for a Dollar General Store to be developed in her neighborhood in the Town of Seneca Falls. Ms. Shaffer learned that the property on Ovid Street owned by the Bridgeport Fire Department, previously known as the SMS Field, would be transferring the land for the construction of the store. Ms. Shaffer stated that

she would have no problem with the Fire Department building on the land but is in opposition to a Dollar General Store being built on the site.

Mr. Tom O'Bine stated that he lives on South Street which is in close proximity to the proposed site for construction of a Dollar General Store. Mr. O'Bine stated that there is a creek that is near the site and the area is always wet. He also stated that the area has been zoned Residential for single-family homes and would be better suited for placement in a commercial area.

Ms. Haynes stated that the Seneca Falls Town Zoning Board of Appeals will be serving as the lead agency for the State Environmental Quality Review Act (SEQRA) review process, and then it becomes the municipality's responsibility to see if the proposed project has a negative impact. Ms. Haynes stated that it is important for local residents to voice their concerns at the town level by being heard at the public hearing and attending the Zoning Board of Appeals (ZBA) meeting. Board member, Tom Scoles, stated that the next Seneca Falls Town ZBA meeting is scheduled for August 1<sup>st</sup>.

Sally Kenyon moved and Gordon Burgess seconded adoption of Resolution 31-19, recommending conditional approval for the Use Variance request submitted by GBT Realty Corporation to allow construction of a "retail variety store" in the R-1 District of the Town of Seneca Falls. The parcel consists of 8.9 acres and is situated directly across from the Seneca Falls Town Municipal Building on Ovid Street (Route 414). It is the intent of the applicant, GBT Realty Corporation, to purchase the property from the current owner, the Bridgeport Fire Department.

Mr. McGrath stated that he carefully reviewed all the requirements for the granting of a Use Variance and provided written opinions in response to the applicant's justifications for hardship as given in the application. A lengthy discussion followed relating to the definition of hardship, etc. Other voiced concerns included building the store in a Residential District, the site being saturated with groundwater many times during the year, and the preference of having the Bridgeport Fire Department building on its own property vs. the Dollar Tree Store. It is recommended that this request be approved conditional upon the Seneca Falls Town Zoning Board of Appeals consider: 1) Whether the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; 2) Whether the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the applicable zoning district or neighborhood; 3) Whether the use variance, if granted, will not alter the essential character of the neighborhood; 4) Whether the alleged difficulty is self-created.

Questions were raised as to why the application does not address such issues as parking, signage, drainage, etc. Ms. Haynes stated that an application for Site Plan Review would address those items. Questions were also raised as to why a Short EAF Part 1 & 2 were completed and not the Long Form. Ms. Haynes stated that there was nothing to directly trigger completion of a long form. Ms. Haynes stated that according to Part 617 of SEQRA, it is based on acreage. Furthermore, the town would determine if it be a full Environmental Assessment Form or if additional studies are necessary. Carried 9 – 1, with Melvin Wagner voting nay. Tom Scoles abstained.

### **3) Town of Tyre, Subdivision Review, Harry and Patricia Amidon**

Michael Scaglione moved and Mark Lott seconded adoption of Resolution 32-19, which recommends approval for a Subdivision Review in the Town of Tyre. The 30.9 total acres is located on the west side of Route 414. The three acre parcel includes the residence. The other parcel will include a total of 25.7 acres. Ms. Haynes stated that the house is located on the southeast corner of the property. Ms. Haynes also stated that a portion of this property is located in the Town of Junius and all access to the Junius parcel is by the portion in Tyre. The subdivision will not restrict access to the portion in Junius. Ms. Haynes stated that the Town of Junius does not have subdivision regulations. Carried 10 – 0. Henry Bickel abstained.

### **4) Town of Varick, Zoning Amendment – Solar**

Michael Scaglione moved and Tom Scoles seconded adoption of Resolution 33-19, for approval of a zoning amendment submitted by the Town of Varick. The proposed amendment will adopt regulations pertaining to small and large solar installations. Additionally, the zoning amendment addresses a small section of regulations relating to docks in the lakeshore residential district. Mr. McGrath stated that in the past, the Town of Romulus adopted regulations pertaining to solar installations within the former Seneca Army Depot. Now the Town of Varick addresses the issue through the proposed amendment to the solar regulations which seeks to limit large scale solar installations within the Town to the Warehouse, Industrial, Transportation, Energy (WITE) District located within the former Army Depot. Mr. McGrath stated that the Town of Varick achieves this by requiring that all solar installations within Varick that produces more than 110% of on-site demand locate within the WITE District.

Mr. McGrath stated that the limit of 110% is based on the guidelines of the New York State Energy Research and Development Authority (NYSERDA), the New York State Department of Agriculture & Markets, and the Public Service Commission, as that is the largest volume of electricity that can be produced through a residential, commercial or on-farm installation that is intended to offset electric costs and sell excess power back to the grid. The Town Board set standards to limit the Small Business Park and Institutional District to small scale installations below 110%. Due to the size of potential development in this district, the requirements of fencing and screening for large scale installations are still in place. Farm operations in agricultural districts are exempted from burdensome solar regulations that limit development of installations below 110%. These regulations will not affect any farmer wishing to install solar installations for on-farm energy use. Mr. McGrath stated that the town did a good job in setting up requirements for the posting of a performance bond by the applicant for 150% of the estimated cost of decommissioning a large scale system. Within the requirements for the bond, the Town Board has the right to review and increase the amount of the bond every five years. Language is also provided requiring any future company that would take control of the site to post a brand new bond with the Town. Mr. McGrath referred to the Varick Town Zoning Map delineating Zoning Districts within and outside the boundaries of the Former Army Depot. A GIS Map was also distributed showing NYSEG interconnections. Carried 11 – 0.

**5) Town of Tyre, Local Law Review**

John Swanson moved and Gordon Burgess seconded adoption of Resolution 34-19. The Town of Tyre is proposing Local Law #2 of 2019, amending and restating sections of Local Law #5 of 2018 entitled "Town of Tyre Design and Construction Standards for Land Development". Ms. Haynes stated that various sections are being addressed with the intent to clarify. Sections include Road Dedication Requirements; Dedication of Existing Private Roads; Street Lighting; Fire Service Provisions; and Requirements for Dedication and Project Acceptance. Ms. Haynes stated that the amendment addresses issues that will impact larger development projects and will assure that the projects are designed properly before they become problematic. Under SEQRA, the determination was made that this is a Type II action. Carried 10 – 0, with an abstention by Henry Bickel.

**6) Town of Tyre, Subdivision Review, Rauscher, David & Kelly**

John Swanson moved and Betty Berger seconded adoption of Resolution 35-19, recommending the request of a Subdivision be left solely to local determination. The property owned by David and Kelly Rauscher is situated on the southwest corner of the intersection of Route 414 and Strong Road. The owners wish to divide the 11.9 acre commercial property at the southwest corner into two parcels. Parcel A is a 3.9 acre parcel that will include the frontage along Strong Road and the scale facility. Parcel B will retain all but 130' of the frontage on Route 414 and also be granted a 70' right-of-way from Strong Road. Parcel B will include many of the existing buildings, the fuel tanks, and the current septic system. Ms. Haynes stated that the application does not indicate a reason for dividing the property. The applicants also own property across Strong Road. Ms. Haynes stated that because the parcel being divided is within 500' of the boundary with the Town of Seneca Falls, the Town of Seneca Falls should be notified of this action. Carried 10 – 0, with an abstention from Henry Bickel.

**OLD BUSINESS:**

**Election of Officers:**

Chairperson Dalrymple stated that at the June meeting, he asked for volunteers to serve on the Nominating Committee. Chairperson Dalrymple since learned that the election of officers is unnecessary for 2019 and will be held instead in 2020. He thanked the members who volunteered their services.

**NEW BUSINESS:**

None.

The meeting adjourned at 7:55 p.m. by motion of John Swanson.

Respectfully submitted,

Mary DeStefano, Staff Resources Asst.  
Secretary