

**MINUTES  
SENECA COUNTY PLANNING BOARD  
JULY 12, 2018**

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

**MEMBERS PRESENT:** Henry Bickel, Gordon Burgess, William Dalrymple, Michael Enslow, Edward Franzoni, Mary Kelleher (Alternate), Mark Lott, John Pigman, Jr., Tom Scoles, John Swanson and Melvin Wagner III

**MEMBERS CALLED:** Betty Berger, Sally Kenyon and Michael Smith

**MEMBERS ABSENT:** Michael Scaglione

**STAFF:** Harriet Haynes, Sr. Planner; Joe McGrath, Grants Management Specialist; and Mary DeStefano, Staff Resources Assistant, Department of Planning and Community Development

**GUESTS:** Pascelle Saint Laurent, Crown Castle; Paul Peckens, Program Manager, Crown Castle; and Joshua Silver, Esq., the Murray Law Firm, PLLC

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

The Minutes of the June 14, 2018 meeting were approved by a motion of Gordon Burgess and seconded by John Swanson. Carried 11 – 0.

Introductions were exchanged with new member, Melvin (Bud) Wagner III as he was welcomed by the Board.

Chairperson William Dalrymple appointed alternate member, Mary Kelleher, to sit in for Sally Kenyon who was absent.

**PUBLIC COMMENTS:**

Mr. Paul Peckens, Attorney Joshua Silver and Ms. Pascelle Saint Laurent were in attendance representing Crown Castle International LLC (Virginia office) in its proposal for replacement of a telecommunications facility.

**GML Reviews:**

**1) Town of Waterloo, Special Use Permit and Site Plan Review, Panek, Jeffrey & James**

Henry Bickel moved and John Swanson seconded adoption of Resolution 30-18, recommending conditional approval for the request of Crown Castle to lease land owned by Jeffrey and James Panek on Burgess Road for the purpose of construction of a replacement cell tower. The new tower will replace the aging and obsolete cell tower on the parcel directly to the south of the existing tower. The current cell tower will remain operational during the three-month construction period and will be removed following completion of installation. Demolition will occur within six months following the project completion. The existing and proposed tower is at the same height of 320'. Public safety communication equipment that is operated by Verizon on behalf of Seneca County will remain operational and will also be transferred to the new tower. Mr. McGrath stated that a residential complex is located within 1,000' of the tower located at 1908 Burgess Road. The housing complex is owned and operated by FLACRA as supportive housing units; however, the complex is not within the fall zone. Crown Castle representatives stated that the current lease is coming to an expiration and the Corporation cannot come to terms with the current lessee; therefore, they have negotiated a lease with the adjoining property owners. The current lease is at the end of the 20 year term and the new lease will be for 100 years. Waterloo Town Zoning requires a special use permit for cell towers. Mr. McGrath stated that in reviewing site plan documents provided, there is little consideration given to the water body of Black Brook which runs along the property line of the southern parcel and near parallel with the proposed access road. The applicants have not provided any sort of erosion control plans for the construction of the road and its continued operation. Due to the proposed area of disturbance being less than one acre, the applicants are not required to prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with a State Pollution Discharge Elimination System permit. Mr. McGrath stated that the Town of Waterloo should consider

erosion control of the site as well as delineation. A question was raised by Henry Bickel regarding the wetlands in the area and if the New York State Department of Environmental Conservation (NYS DEC) needs to be contacted. Mr. McGrath stated that he believes DEC will need to be involved. Upon Mary Kelleher questioning what company would be installing the tower; Mr. Peckens of Crown Castle stated that a competitive bid will be sent out allowing the three or four manufacturers to respond with a proposal and pricing, and based on that information, a decision will be made. Conditional approval is recommended upon the submission and approval of an erosion control plan and a wetland delineation by the Waterloo Town Planning Board. Carried 10 – 0, with an abstention from John Pigman.

## **2) Town of Seneca Falls, Area Variance, Varga, Adam**

Tom Scoles moved and Mark Lott seconded adoption of Resolution 31-18, which recommends the request of an Area Variance be left solely to local determination. The property owner, Mr. Varga, is requesting the Variance for allowance of construction of a deck onto his residence at 2535 Lower Lake Road. Mr. McGrath stated that a contractor had been hired and the construction was in progress but a stop work order was issued as a zoning permit was never granted. The property itself should be considered a pre-existing non-conforming lot as well as the presence of a small cottage as well as an aging trailer are considered pre-existing non-conforming uses. The deck is being constructed onto the trailer and is 3' closer to the property line as the zoning code requires. Mr. McGrath stated that the area variance is for setbacks and not lot size. No diagram or drawing of the project was submitted to the Town or County. Mr. McGrath stated that the deck is 20' from the property line, essentially the lake, while the standard is a 30' setback. The request is to be left to local determination as this project does not impact the County road and there are no county concerns. Board member, Gordon Burgess, stated that the property owner is forced to park on the road, and that parking along Lower Lake Road is a real safety issue and concern. Ms. Haynes stated that this issue goes back to the Town of Seneca Falls for officials to address such concerns. Carried 9 – 2. Gordon Burgess and Mary Kelleher voted nay.

## **3) Town of Tyre Local Law 2018-3, Zoning Amendment / Adoption**

Gordon Burgess moved and John Swanson seconded adoption of Resolution 32-18, which recommends adoption of the proposed Zoning Amendment which will impact all properties within the Town of Tyre. The Town of Tyre Planning Board, Town Board and the Town's consultant team have been working on this proposed Zoning for some time. Ms. Haynes stated that no issues were found with the proposed amendment. Ms. Haynes stated that she particularly liked the definitions put in place and noted that the definition section is almost as long as the current Zoning Codes. The amended zoning does a good job of cross-referencing and spells out specific requirements for special types of uses and the uses for special use permits. The duties and responsibilities of the Zoning Board of Appeals, Code Officer and Planning Board are well considered and documented. Ms. Haynes stated that there are some slight differences with uses between the east and west locations of the Town. There are sections for the special requirements for various uses that will apply in all zones (except the PUD Zones). Also listed are the Supplementary Regulations for Specified Uses such as: Kennels, Home Occupations, Flea Markets, Roadside Stands, Adult Entertainment, Farm Worker Housing, Off-Street Parking, Loading Dock Standards and Outdoor Lighting Regulations. It is recommended that the proposed Amendment to the Tyre Town Zoning by replacing it in whole be adopted. Carried 10 – 0. Board member, Henry Bickel, abstained.

## **4) Town of Tyre, Special Use Permit, Pyramid Brokerage / 3S Gateway**

John Swanson moved and John Pigman seconded adoption of Resolution 33-18, recommending conditional approval. Pyramid Brokerage, Agent, has been hired to identify possible tenants for the owners, 3S Gateway/Sessler, for the property located at the northwest corner of the intersection of Routes 318 and 414. The 72.7 acre parcel will be marketed by installing two sets of signs – one set approximately midway on the Route 414 frontage of the property and the other approximately midway on the Route 318 frontage. Each set of signs will be installed in a "snowplow" formation and consist of two faces each approximately 6' X 6'. The Town of Tyre requires a Special Use Permit for this size sign. The installation of these signs should have no negative impact on traffic or the State Roads, and should assist the owners in identifying potential developers for the site. Ms. Haynes stated that no Environmental Assessment Form was submitted with this application. It is recommended that the Special Use Permit be approved conditional upon the completion of the SEQR process. Carried 10 – 0, with an abstention from Henry Bickel.

## **5) Town of Tyre, Site Plan Review, Martin, Carl / Glenwood Foods**

John Swanson moved and Mary Kelleher seconded adoption of Resolution 34-18 which recommends that the request of a Site Plan Review be left solely to local determination. Carl Martin, the owner of Glenwood Foods, located at 2905 State Route 318, is proposing to install a covered loading dock facility. The 960 sq. ft. enclosed loading dock will be constructed at the rear of the building. No expansion of the retail space is indicated. There is no anticipated increase in traffic volume. The proposed project appears to be consistent with the neighborhood

character and town plans and purposes for the development of this area. Carried 10 – 0 with an abstention from Henry Bickel.

**6) Town of Romulus Local Law 2018-5, Zoning Amendment**

Gordon Burgess moved and John Swanson seconded adoption of Resolution 35-18 recommending the proposed Zoning Amendment be adopted with the deletion of a certain clause. The Town of Romulus is proposing the following paragraph be added to the Property Maintenance Section of its Zoning Code:

*In Hamlet/Residential Districts, the keeping of animals and crops for personal use, consumption or recreational purposes are not considered an agricultural use. Animals kept for personal use, consumption or recreational purposes shall not be allowed to roam freely (except for bees), shall be properly housed in a sanitary manner in pens and/or housing with a minimum of 40 feet setback from all property lines. No animals shall be kept in front yards. Front yards are defined as the street side of the house. Dog houses are exempt from the 40 foot setback requirement.*

Ms. Haynes stated that it is her understanding that free range chickens have been allowed to roam off properties and stated that this is not considered an agricultural use. Ms. Haynes stated that there is already a definition of Front Yard in the Zoning Code. Having this similar but different definition could lead to some confusion. It could also be noted that adoption of this amendment will also mean that cats will not be allowed “to roam”. In discussing zoning throughout Romulus, Ms. Haynes stated that the agricultural district exists except in the lakeshore district, residential district, the Hamlet and the former Depot. It is recommended that this proposed amendment be adopted conditional upon removal of the sentence “Front yards are defined as the street side of the house”. Carried 11 – 0.

**7) Town of Varick, Zoning Amendments**

John Swanson moved and Tom Scoles seconded adoption of Resolution 36-18 which recommends adoption of the proposed Zoning Amendments conditional upon deletion of specific wording. The proposed Zoning Amendment makes updates to the definition section, the general development standards, the use tables, special uses, and special use procedures. Regarding Municipal Waste Updates, the definition section takes great care to improve the standards of what is considered garbage, trash, and refuse by the Town. In consideration of proposed and existing facilities in other parts of the county, the definition of *Marketable Recyclable Materials* could be strengthened as to prevent what is commonly referred to as municipal waste from being classified as such. As it reads now, “items removed from previous use that have current commercial value and active immediate markets” could easily be interpreted as municipal waste destined for use in electricity production nearby. The definition of Marketable Recyclable Material should be strengthened by including a clause exempting municipal waste. Concerns are heightened throughout the County and region regarding solid waste disposal, and in the opinion of the Staff of the Department of Planning and Community Development, the clear delineation in this proposal of marketable recyclable materials from garbage, trash, and refuse is a County and inter-community concern. This led to a lengthy discussion regarding marketable recyclable materials. William Dalrymple stated that quite a number of recyclables are not marketable right now. Dr. Franzoni questioned if there is an agency that monitors the numbers of recyclables in Seneca County. Ms. Haynes stated that she is not aware of any agency or stringent requirements in Seneca County that requires or provides such data. Ms. Haynes stated that a county, such as Ontario, which owns and operates its landfill, has to track those figures because Ontario County has to include such information in its solid waste management plan. Ms. Haynes stated that she can check with the county department which oversees the Recycling Program to ascertain if any figures are available. Some Board members believe that the recycling is going to the landfill as recycling is picked up by single stream trucks. Other proposed amendments are as follows: clarifies the definition of a temporary dock; adds Waste to Energy Resource Recovery Facilities to the use table and designates them not permitted in any zone; adds light manufacturing as a special use in the Warehouse, Industrial, Technology and Energy (WITE) Zone; makes warehouse a permitted use in the WITE Zone; updates the general design standards to prohibit the storage, and processing, or transloading of waste material. Other updates and amendments in the proposal clarify minor procedural requirements and correct typographical errors and grammatical issues. It is recommended that zoning amendments to the Varick Town Zoning Law be approved with the condition that the definition of Marketable Recyclable Materials be amended to specifically exclude what is commonly referred to as municipal waste as outlined in the definition of Garbage, Trash, and Refuse. Carried 11 – 0.

**8) Town of Varick, Minor Subdivision, Allen, Dale & Margaret**

Henry Bickel moved and Gordon Burgess seconded adoption of Resolution 37-18, recommending conditional approval for a minor subdivision of 40 acres to be removed from a 99 acre parcel located at 2341 County Road 129. The applicant intends to transfer the 40 acres in the northeast corner of the parcel to an adjoining farmer that is

currently farming this portion of the property. The transfer will make it easier for the neighboring farmer, Mr. Hurst, to keep the land in active agricultural production. Ms. Haynes stated that the 40 acre parcel will not have frontage on a public right-of-way so a provision needs to be made for this parcel to be attached to an adjoining parcel that does have the required frontage, in order to avoid the necessity of an Area Variance. Conditional approval is recommended upon the 40 acre parcel that will not have road frontage be attached to an adjoining parcel. Carried 11 – 0.

**OLD BUSINESS:**

**Election of Officers:**

Gordon Burgess of the Nominating Committee stated that it is recommended that the existing officers maintain their same positions – William Dalrymple as Chairperson and Tom Scoles as Vice Chairperson. Chairperson Dalrymple opened the floor for additional nominations and none were forthcoming. John Swanson made the motion that the Secretary be directed to cast a single ballot for slate of officers and Gordon Burgess seconded. Carried 11 – 0.

**Training Opportunity:**

An inquiry was made as to whether a date has been selected for the training which will be held in the fall. Ms. Haynes stated that a date has not been finalized. Training will most likely occur in September or October. Once a date and topics to be discussed are chosen, information will be forwarded.

**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 meeting schedule having meetings commence at 7:00 p.m. on the second Thursday of each month at the County Office Building unless otherwise announced. Henry Bickel made the motion to accept the upcoming schedule as proposed and Mary Kelleher seconded. Carried 11 – 0. Ms. Haynes said that a schedule will be sent to the local municipalities.

The meeting adjourned at 8:10 p.m. by motion of John Swanson.

Respectfully submitted,

Mary DeStefano, Staff Resources Asst.  
Secretary