

**MINUTES
SENECA COUNTY PLANNING BOARD
JUNE 13, 2019**

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

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

MEMBERS CALLED: David Wood (Alternate)

MEMBERS ABSENT: John Swanson

STAFF: Harriet Haynes, Sr. Planner and Mary DeStefano, Staff Resources Asst.

GUESTS: Alsia Kabari, Kingsley Kabari, Diane Macaluso, Jerry Macaluso and Frederick Shelley, L.S., Project Engineer of BME Associates

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

The Minutes of the May 9, 2019 meeting were approved by a motion of Sally Kenyon and seconded by Gordon Burgess. Carried 13 – 0.

PUBLIC COMMENTS:

Mr. Frederick Shelley, L.S., Project Engineer with BME Associates, was present for the Jebi LLC Project.

Kingsley Kabari stated he was in attendance regarding his application for reuse of the former St. Patrick's School in Seneca Falls.

Chairperson Dalrymple stated that the public will be allowed to address the Board during the discussion of their projects.

GML Reviews:

1) Town of Waterloo, Site Plan Review, Jebi LLC

Mr. Frederick Shelley, L.S., Project Engineer for BME Associates, stated that he was representing the Developer, Jebi LLC, for the development of Bobcat of the Finger Lakes to operate a retail/rental store located on Sessler Drive, north of the New York State 5&20 intersection. The proposed construction will be for an approximate 9,600 SF building on an existing 5.7 acre parcel. Mr. Shelley stated that the property is zoned Commercial and the proposal conforms to the zoning and setback requirements. The retail/rental store will also include an equipment service area, outdoor display areas, equipment storage areas and customer and employee parking for up to 31 vehicles. Two existing access points will access Sessler Drive. A public water service will be extended from the existing water main on Sessler Drive. A sanitary sewer service will connect to an existing 8" sanitary main and easement along the rear of the property. Design plans also include a comprehensive storm water management design to conform to the New York State Department of Environmental Conservation (NYSDEC) storm water design requirements; thus a storm water drainage system permit will be issued by NYSDEC. Mr. Shelley stated that the project is an Unlisted Action under the SEQRA and a short form EAF Part 1 has been submitted.

Michael Scaglione moved and Mark Lott seconded adoption of Resolution 27-19, recommending approval of the Site Plan Review for the proposed development of a Bobcat retail store on property across Sessler Drive. Ms. Haynes stated that the parcel will include two entrances and adequate parking will be provided. The entire site will be surrounded by fencing. The fenced area will include an area for soil stockpiling and a construction staging and washout area. The site will hook to municipal water along Sessler Drive and sanitary sewer will be connected to an existing easement along the rear of the property. In addition to the existing storm water management area, the site will have a 3,700 SF bio-retention area. The building will have wall mounted lighting for the area immediately

around the building and the fenced storage area will have pole lights that are designed to direct the light toward the area inside the fence. Existing trees along Sessler Drive will be retained.

Mr. Shelley stated that one more vacant parcel exists in front of the Lowe's Store location. The proposed development is utilizing two parcels. Carried 12 – 0, with an abstention from John Pigman, Jr.

2) Town of Seneca Falls, Use Variance, Kabari, Kingsley

Mr. Kingsley Kabari introduced himself as the owner of Maximum Fitness Gym located at the Tops Plaza. He stated that he intends to purchase the property at 81 West Bayard Street in Seneca Falls. Mr. Kabari stated that the building formerly was used for St. Patrick's School and Seneca Falls Town offices. Mr. Kingsley stated that the building has now sat vacant for approximately one year. Mr. Kabari inspected the building and saw the potential of moving Maximum Fitness into the large gymnasium and other services into the rooms throughout the building. The facility would include medical offices and other such services that are not available in the area.

Charles Brady moved and Michael Smith seconded adoption of Resolution 28-19, which recommends conditional approval for the request of a Use Variance to allow the change of use for the former St. Patrick's School located at 81 West Bayard Street in the Town of Seneca Falls. The applicant, Kingsley Kabari, wishes to convert the vacant school into a "Wellness Facility" that will include a fitness center, medical offices and other services. The property is currently zoned R-1 (One Family Residential) and the proposed uses are not allowed in this zoning district; and, therefore, would require a Use Variance or Zoning Amendment. Ms. Haynes stated that it is recognized that this location may have challenges that limit its development as an allowed use within the district; however, the applicant did not fill out the Statement of Hardship that is a part of the application. Ms. Haynes stated that in a recent conversation she had with Mr. Kabari, the applicant stated that he will have documentation for proof of hardship and he will provide the information to the Town. Upon being asked the hours of operation, Mr. Kabari stated that the facility will open at 4:00 a.m. and close at 9:00 p.m. Ms. Diane Macaluso, former principal of St. Patrick's School, stated that the school was also open in the evenings and weekends for various "after school" activities.

Some Board members raised the question as to whether this proposal should be addressed through the granting of a Use Variance or establishing a Zoning Amendment for the zoning district which led to the topic of "spot zoning." Ms. Haynes provided the definition of "spot zoning" and gave clarification of a Use Variance vs. Zoning Amendment. Ms. Haynes stated that "spot zoning" is a provision in a zoning law which benefits a single parcel of land by creating an allowed use for that parcel but is not allowed for the surrounding properties in the area, and is generally not a favorable practice. In other words, it is rezoning of a single property for the benefits of a single entity. Ms. Haynes reiterated that the applicant will have to provide proof of hardship to the Zoning Board of Appeals.

Conditional approval is recommended upon: A) the applicant providing documentation that they have standing before the Zoning Board of Appeals by submitting either proof of ownership, a contract to purchase the property or documentation that they are acting on behalf of the owner, B) the applicant demonstrating to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located: (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested Use Variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created, and C) that the Zoning Board of Appeals indicate that the Variance is granted such that the Use will require a Site Plan Review. Carried 11 – 0. Board members, Michael Scaglione and Tom Scoles, abstained.

3) Town of Romulus, Minor Subdivision, Bruce Austic Farms LLC

Sally Kenyon moved and John Pigman, Jr. seconded adoption of Resolution 29-19, recommending approval of a Minor Subdivision Review. The subdivision will create a seven acre lot to be removed from a total of 99 acres located on the north side of Route 96, west of County Road 129. The new parcel will be transferred to Westwind for the development of a chicken hatchery. The remaining acreage not used for the hatchery will be rented for crop production. The property is located in an Agricultural District. Ms. Haynes stated that the Town of Ovid was being notified of this proposal. Carried 13 – 0.

OLD BUSINESS: None.

NEW BUSINESS:

Election of Officers:

Chairperson Dalrymple asked for volunteers to serve on the Nominating Committee. Michael Scaglione and Melvin Wagner offered to serve on the Committee. Recommendations for Chairperson and Vice Chairperson will be given at next month's meeting.

Resignation:

Michael Smith has submitted a letter of resignation from the County Planning Board effective tomorrow, June 14. Chairperson Dalrymple thanked Mr. Smith for his many years of service and Board members wished him well with his move out of the area.

Training Workshop:

Ms. Haynes stated that planning is under way in scheduling the local training workshop that is co-sponsored by the Wayne and Seneca County Planning Departments each year. The training will be held this year in Wayne County. As in past years, the Wayne County training will be held at the Emergency Services Facility which is located in the same complex as the Sheriff's Department on Route 31 in Lyons. The training date has been set for Tuesday, October 1st, and is usually set for the hours of 5:00 to 9:00 p.m. The four-hour workshop will count as the NYS mandated time for annual training. A new presentation will be given regarding the granting of a use variance vs. spot zoning as an action.

The meeting adjourned at 7:32 p.m. by motion of Gordon Burgess.

Respectfully submitted,

Mary DeStefano, Staff Resources Asst.
Secretary