

**MINUTES
SENECA COUNTY PLANNING BOARD
FEBRUARY 13, 2014**

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

MEMBERS PRESENT: Keith Beck, Betty Berger, William Dalrymple, Donald Denman, Jack Freer, Sally Kenyon, Lawrence Kesel, Pam Kirk, Mark Lott, Linda Ochs (alternate), Michael Scaglione, Michael Smith and John Swanson

MEMBERS CALLED: Gordon Burgess, Mary Kelleher (alternate) and Tom Scoles

MEMBERS ABSENT: Edward Franzoni

STAFF: Harriet Haynes, Planner and Mary DeStefano, Staff Resources Asst., Department of Planning and Community Development

GUESTS: Harold Liddell, Brian Noteboom, Council Representative of Carpenters Local 277, and Dale Twardokus, President, Fingerlakes Self Storage

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

Chairman Dalrymple appointed Linda Ochs, alternate member, to sit in for Tom Scoles.

The Minutes of the January 9, 2014 meeting were approved by a motion of Lawrence Kesel and seconded by Donald Denman. Carried 13 – 0.

PUBLIC COMMENTS:

Mr. Harold Liddell stated that he was in attendance regarding his application for property located on East Bayard Street, for a proposal to allow construction and operation of a body shop and mini storage units.

Mr. Brian Noteboom stated that he is from Carpenters Local 277.

GML Reviews:

1) John Swanson moved and Lawrence Kesel seconded adoption of Resolution 3-14, which recommends conditional approval for a Use Variance request. The applicant, Harold Liddell, is seeking the Variance that will involve four tax parcels he owns which includes one parcel at 142 East Bayard Street in the Town of Seneca Falls. The applicant intends to construct a body/fender shop and install mini storage units. Ms. Haynes stated that two of the lots were in the former Village of Seneca Falls – now all four parcels are in the town, located across from the cemetery and immediately east of the old railroad overpass. Ms. Haynes stated that all parcels are zoned R-1 nearest to County Road 116 (East Bayard Street), and the ones not formerly in the Village are A-1 more than 500' from the road. Ms. Haynes stated that the Site Plan submitted shows all of the current proposed activity to be located on parcel 21-1-34, then providing portions of parcel 21-1-35 as a buffer to the rear of the residential properties to the east. Ms. Haynes stated that there is no countywide or inter-municipal impact for commercial property to be in that area. Ms. Ochs questioned if there has been any concerns from residents in the area. Ms. Haynes stated that she has no knowledge of any feedback from neighbors. Mr. Freer stated that a body/fender shop located in a residential area is not a good mix of use as the paint fumes can become quite odorous. Ms. Haynes stated that such concerns can be addressed at the public hearing that will be held at the town level. Ms. Haynes stated that the applicant needs to demonstrate hardship which was not addressed in the application. It is recommended that the request for Use Variance be approved conditional upon the applicant demonstrating to the satisfaction of the Town of Seneca Falls Zoning Board of Appeals that (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. Carried 13 – 0.

(OVER)

2) Pam Kirk moved and Michael Smith seconded adoption of Resolution 4-14, recommending that proposed Town of Tyre Local Law 2014-2 for the Comprehensive Plan be adopted. Ms. Haynes stated that the Town of Tyre has been working on the Plan for over five years and essentially had it completed last fall but had to wait until the maps were finalized. Ms. Haynes stated that the Tyre Town Board is the only involved agency for the adoption of this Plan and is serving as Lead Agency. A Full Environmental Assessment Form (EAF) has been completed and submitted. Surrounding communities have been advised of the town's proposed Plan. The Plan addresses such issues as Watershed Protection, Agriculture, Housing, Economic Development, Transportation, Infrastructure, etc. Ms. Haynes stated that there is an Implementation Section that lists recommendations, the type of action that it is, establishes priorities, and designates what group(s) would be responsible for moving the recommendation forward. Ms. Haynes stated that community participation was encouraged specifically through public surveys to residents with 39% of surveys returned. The Town of Tyre has approximately 900 residents. Ms. Haynes stated that the Town of Tyre has scheduled a public hearing for February 20 for adoption of the Comprehensive Plan. Chairman Dalrymple stated that the town has done a good job in developing the Plan. Carried 12 – 0. Board member, Lawrence Kesel, abstained from voting.

3) John Swanson moved and Pam Kirk seconded adoption of Resolution 5-14, which recommends that the proposed Town of Tyre Local Law 2014-3 for a Zoning Amendment be approved. The Zoning Amendment will establish the Planned Unit Development (PUD) regulations for the Town Zoning. Ms. Haynes stated that the proposed regulations had been rewritten since the County Planning Board's review at the January 2014 meeting. Ms. Haynes stated that the language of the proposed regulations has been modified without making any significant changes to the content. Some items were removed that were redundant and covered by other laws such as SEQRA. The purpose of the PUD Regulations is to allow the development of large scale projects that contain multiple classifications of use that would not otherwise be allowed on the same parcel. Allowed development could include uses of commercial, retail, service, casino complexes and other non-residential uses and their accessory uses. Authority for review and approval of PUD applications is granted to the Town Board with required reviews from the Town Planning Board and County Planning Board. PUD applications shall include: a) description and maps of area and surrounding area, b) topography, soil conditions, utilities and drainage, c) proposed land uses, building locations and signage, d) roads, parking and walkways, e) open space areas, landscaping and screening, f) information regarding connections to and use of existing transportation, municipal water, storm water, sanitary systems, and solid waste systems, g) information on how the project will be staged, h) a Full Environmental Assessment Form, and evidence that the proposal is compatible with the Town Comprehensive Plan. The PUD Regulations also allows for expansion of signage permitted under the Town Zoning. Carried 12 – 0 with an abstention from Board member, Lawrence Kesel.

4) John Swanson moved and Betty Berger seconded adoption of Resolution 6-14, recommending that the request for a Minor Subdivision be left solely to local determination. The applicant, Walter Mitchell, Jr., wishes to subdivide property located on the west side of Route 96, just south of Leader Road in the Town of Fayette. The 11+ acre parcel will consist of Parcel A – 1.414 acres and Parcel B – 10.731 acres. The existing home at 4288 Route 96 will be on the smaller lot and the salvage yard will be on the remaining parcel. Ms. Haynes stated that many times applications are submitted for subdivisions splitting lots between commercial and residential use. Ms. Haynes stated that the property is located within Agricultural District #8; however, is a property that has no history of being farmed. There should be no countywide or inter-municipal impact. Carried 12 – 0 with an abstention from Board member, Mark Lott.

5) Michael Smith moved and Donald Denman seconded adoption of Resolution 7-14, which recommends denial of an Area Variance request submitted by Robert and Sue Pagano of 4405 State Route 89 in the Town of Fayette. The applicants are seeking the Variance to allow for construction of an addition to their residence that would be a 30' X 36' garage and storage space that would be accessible to the residence via a walkway. The proposed addition would be situated at an angle such that access would be from the drive area in front of the existing attached garage. Ms. Haynes stated that because of the angling, this would bring the structure as desired to less than 6' from the State Right-of-Way. The Town of Fayette requires a front setback of 25'. Ms. Haynes stated that there is no indication in the application as to whether the building could be located elsewhere on the property, and there was no full site plan map of the property submitted. Ms. Haynes stated that this proposal not only requests a 76% reduction in the legal setback but will also adversely impact the vista along Cayuga Lake that many in the neighborhood and those driving the Cayuga Lake Scenic Byway enjoy. Therefore, the applicants' request to construct a garage 5.65' from the State Route 89 Right-of-Way is denied. Carried 12 – 0. Board member, Mark Lott, abstained from voting.

6) Mark Lott moved and Sally Kenyon seconded adoption of Resolution 8-14, recommending that the Use Variance request be left solely to local determination and Site Plan approval be with conditions. The applicant,

Adam Sanderson, has a pending purchase offer to acquire land from owner, Eleanor McIntyre. The 1.6 acre parcel is located on the west side of Auburn Road, near the old Village line in the Town of Seneca Falls. The applicant intends to construct and operate a small brewery/cidery with retail sales. Ms. Haynes stated that the property was used as a residence up until a fire destroyed the home in 1999. The property owner has been attempting to sell the parcel for over five years. Ms. Haynes stated that the tax records from the County's Real Property Tax Office indicate that the site has community water and sewer; however, the application states there is no sewer to the location. Ms. Haynes stated that the sales aspect of the proposed business fits nicely in the allowed uses for the Highway Commercial Zone; however, the production of beer and hard cider is considered manufacture and is not an allowed use. The Use Variance should have no significant countywide or inter-municipal impact. Any approval of the Site Plan for the proposed use should be conditional upon: a) scale drawing of the site, b) clarification of water and sewer hook-ups or locations, and c) driveway approval from the New York State Department of Transportation (NYS DOT). Carried 13 – 0.

7) Pam Kirk moved and Donald Denman seconded adoption of Resolution 9-14, which recommends that a request for an Area Variance be left solely to local determination. The applicant, Mary Ellen True, is seeking the Variance to allow construction of an addition to her home located on Old Schoolhouse Road (formerly known as Mays Point Road) in the Town of Tyre. The parcel is within 500' of State Route 89 and 300' from the intersection of Route 89 and Old Schoolhouse Road. The Variance would allow the addition to the home to be set back 27' from the Town Road. The Town of Tyre requires a 50' setback. The existing structure is set back 22' from the road as the residence predates the adoption of the Tyre Town Code. Ms. Haynes stated that the property owner cannot locate the addition to the rear of the home as that is the location of the septic system. Ms. Haynes stated that the property is within Agricultural District #6 but is not a farmed parcel. This request should be negligible for any countywide or inter-municipal impact. Carried 12 – 0. Board member, Lawrence Kesel, abstained from voting.

OLD BUSINESS:

None.

NEW BUSINESS:

Review of Agricultural District #8:

Ms. Haynes stated that the County has received the 300-day review notification for Agricultural District #8 which is located south of the Canal in the Town of Seneca Falls, Town of Fayette and the Town of Varick. At some point in time, the County Planning Board will get to review the maps and make recommendations.

The meeting adjourned at 8:03 p.m. by motion of John Swanson.

Respectfully submitted,

Mary DeStefano
Staff Resources Asst.