

**MINUTES
SENECA COUNTY PLANNING BOARD
MAY 8, 2014**

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

- MEMBERS PRESENT:** Keith Beck, Gordon Burgess, William Dalrymple, Donald Denman, Edward Franzoni (late arrival), Jack Freer, Sally Kenyon, Lawrence Kesel, Pam Kirk, Mark Lott, Linda Ochs (alternate) (late arrival), Michael Scaglione and Tom Scoles
- MEMBERS CALLED:** Betty Berger, Mary Kelleher, Michael Smith and John Swanson
- MEMBERS ABSENT:** None
- STAFF:** Harriet Haynes, Planner, and Mary DeStefano, Staff Resources Assistant, Department of Planning and Community Development
- GUESTS:** Bruce Boncke, P.E., BME Associates

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

The Minutes of the April 10, 2014 meeting were approved by a motion of Lawrence Kesel and seconded by Gordon Burgess. Carried 11 – 0.

PUBLIC COMMENTS:

Mr. Bruce Boncke, P.E., BME Associates, stated that he was in attendance to answer any questions on behalf of the applicant for the proposed Wilmot Casino and Resort.

GML Reviews:

Ms. Haynes stated that after preparing the Agenda for tonight's meeting, it was decided to split the first agenda item under GML Reviews as there are two separate applicants – The Town of Tyre for the proposed Tyre Town Zoning Map Amendment and Whitetail 414, LLC for the proposed Wilmot Casino and Resort.

1) TT 2014-3, Zoning Map Amendment, Town of Tyre

Gordon Burgess moved and Donald Denman seconded adoption of Resolution 18-14, recommending approval of proposed Local Law #3 of 2014 that will amend the Town of Tyre Zoning Map. The Town of Tyre received a Development Plan under the Town PUD Law requesting that Town of Tyre Tax Parcel 12-1-36 be rezoned as a Planned Unit Development for the purposes of the development of a Casino and Resort. The Zoning Map will amend the approximate 84 acre parcel. Ms. Haynes stated that under the PUD Local Law, the Town has 10 days from the acceptance of the Development Plan to amend the Zoning Map to reflect the parcel as being zoned PUD. Carried 10 – 0. Board member, Lawrence Kesel, recused from voting.

2) Town of Tyre, Site Plan Review, Whitetail 414, LLC

Sally Kenyon moved and Mark Lott seconded adoption of Resolution 19-14, which recommends approval for a Site Plan Review forwarded by the Town of Tyre. Ms. Haynes stated that attached to this month's report is the Analysis portion of the Report written for the April County Planning Board's review of the Development Plan for the proposed Wilmot Casino and Resort to be located on the east

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side of Route 414, immediately north of the New York State Thruway. Ms. Haynes stated that all aspects of the Analysis done for the review of the Development Plan at last month's meeting are still relevant. A Visual Assessment has been developed and is included with the application. Photos can be found in Appendix F of the Engineer's Report. The Engineer's Report also includes appendixes relating to: drainage, water supply, sanitary sewer, sound analysis, visual exhibits, survey and Geotechnical Studies. Ms. Haynes stated that at last month's meeting, questions were raised regarding the "greenness" of the project. She stated that Wilmorite Construction, LLC plans to have the entire project LEED certified. This would include LED lighting (both inside and outside), solar power, on-site recycling, grey water / storm water reuse, geothermal heating and cooling, all energy star HVAC and appliances and low VOC paints. Ms. Haynes stated that the applicant is also researching using food waste for power by installing a trash plant; however, they have not completed the calculations or research to assure it is feasible. Board member, William Dalrymple, questioned where the cemetery is relevant to the parcel mentioned in the newspaper. Mr. Bruce Boncke, P.E., BME Associates, identified the site on the drawings. Mr. Boncke stated that the site has been identified as a "burial ground" and not a cemetery, stating that there is a legal distinction. Legalities are now being worked out with the family who believes there are four or five family members buried at the grave sites on the farm property. Board member, Gordon Burgess, stated that burying family members on farm property was a very common practice years ago. It was asked what the trash plant will involve. Ms. Haynes stated that the potential for a trash plant is not addressed in the current Engineer's Report as it would be for possible future research and development. Carried 11 – 0. Board member, Lawrence Kesel, recused from voting.

Chairman Dalrymple appointed Linda Ochs, alternate member, who had arrived after deliberation on the previous item had started, to sit in for absent member, Betty Berger, for the remainder of the meeting.

3) Town of Fayette, Special Use Permit, Witter, Kenneth

Linda Ochs moved and Gordon Burgess seconded adoption of amended Resolution 20-14 which recommends conditional approval. The applicant, Kenneth Witter, wishes to obtain the Special Use Permit to allow operation of an auto sales business located at 1422 West River Road in the Town of Fayette. Ms. Haynes stated that the Site Plan shows five parking spaces parallel to the road and the development of an additional driveway; however, the drawing was not done to scale. The Town of Fayette's Special Use Permit Regulations require a 5' landscaped strip between the parked cars and the road to disallow the vehicles to directly access the road. Ms. Haynes stated that the Site Plan provided does not identify any proposed landscaping as required under the Town Regulations. The applicant has applied for a "sale of used cars" – this does not include a fuel station or body shop. There was a lengthy discussion as to whether the five cars include unsold or sold vehicles (waiting to be delivered). After much discussion, Resolution 20-14 was amended to read "recommends that the request of Kenneth Witter for a Special Use Permit *to operate an automotive sales facility for up to five (5) vehicles*, be approved conditional upon: 1) that no vehicles with oil, gas, or antifreeze leaks be allowed in the parking area for used car sales, and 2) that the Town and applicant agree on landscaping for the site as required in the Fayette Land Management Regulations." Carried 12 – 0. Board member, Mark Lott, recused from voting.

4) TF 2014-1, Local Law #1 – Moratorium, Town of Fayette

Tom Scoles moved and Pam Kirk seconded adoption of Resolution 21-14, recommending that proposed Local Law #1, Moratorium on Waste Management Facilities, in the Town of Fayette will have no negative impact on Countywide or inter-municipal activities. Ms. Haynes stated that in General Municipal Law section 239, moratoriums are not listed as an action requiring review by the County Planning Board. However, the courts have held that passing a land use moratorium is a form of zoning and; therefore, the Town has requested that the County Planning Board review this action. The Town of Fayette is proposing a one year Moratorium on Solid Waste Facilities based on potential long-term environmental damage that could be done to both ground and surface water if a facility was constructed in the Town at this time. Board member, William Dalrymple, questioned their definition of a solid waste management facility. Ms. Haynes stated that the definition of a solid waste

management facility was not identified under the proposed Moratorium. Ms. Haynes stated that there is no Solid Waste Management Plan for the Town of Fayette. She further stated that the one year Moratorium should allow the Town to identify what categories of waste need to be addressed, etc. A lengthy discussion pursued regarding the Moratorium. Carried 12 – 0. Mark Lott recused himself from voting.

OLD BUSINESS:

Upcoming Training Workshop:

Harriet stated that she will not be attending the spring 2014 Regional Local Government Workshop on Thursday, May 15 at Burgundy Basin Inn in Pittsford; and, therefore, will not be able to provide transportation in a county vehicle.

NEW BUSINESS:

Land Use in the Town of Ovid:

Board member, Tom Scoles, stated that he heard that the Town of Ovid is going to do away with its land use ordinance. Ms. Haynes stated that the Town of Ovid does have a Land Management Ordinance which sets very basic lot size requirements, and said that she is not aware of any intention of eliminating the Ordinance.

FEMA Meeting Sponsored by New York State Department of Environmental Conservation (DEC):

Board member, Gordon Burgess, spoke regarding the DEC Workshop he attended on May 7. The basic premium of flood insurance is \$300.00 for the first year and up 15% every following year until the property is either sold or up to full actuary rate. FEMA does not map regulations at the 10-year flood plain. It is done on a 100-year flood plain. Board member, William Dalrymple, questioned what communities such as the Village of Ovid do without a flood plain map. Harriet explained that the communities can work with DEC and get necessary legislation in place. Mr. Burgess stated that Pumphouse Road was not considered in a flood plain. Ms. Haynes stated that the flood maps were developed in the late 70's and used the Agnes Flood as the marker for the flood plain. Ms. Haynes stated that the intention of having the meeting was to take a serious look at areas that need remapping. Harriet stated that flood insurance is for the structure and not the property.

The meeting adjourned at 7:55 p.m. by motion of Gordon Burgess and Donald Denman seconded.

Respectfully submitted,

Mary E. DeStefano, Secretary
Staff Resources Assistant