

**MINUTES  
SENECA COUNTY PLANNING BOARD  
AUGUST 14, 2014**

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

**MEMBERS PRESENT:** Keith Beck, Betty Berger, Gordon Burgess, William Dalrymple, Donald Denman, Edward Franzoni, Jack Freer, Mary Kelleher (alternate), Sally Kenyon, Mark Lott, Colby O'Brien (alternate), Michael Scaglione, Michael Smith and John Swanson

**MEMBERS CALLED:** Pam Kirk

**MEMBERS ABSENT:** Mark Lott

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

**GUESTS:** Juris Basens, Vice President, Gaming Operations, Wilmorite, Inc.; Jerry Bergey, Cornerstone Mennonite School; Cheryl Bonetti; Desiree Dawley, Casino Free Tyre; James Dawley III, Casino Free Tyre; Jonathan Dawley, Casino Free Tyre; Raphael Jamison, Two Guys with Tools; Susan Ottenweller, Executive Director, Better Housing for Tompkins County; David Page, Tyre Town Code Enforcement Officer; Nelson Sensenig, Cornerstone Mennonite School; Michael Simon, P.E., BME Associates; and Jess Sudol, P.E., Passero Associates

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

Colby O'Brien, newly appointed alternate member, introduced himself to the Board and provided a brief biography.

Chairman Dalrymple appointed Mary Kelleher and Colby O'Brien, alternate members, to sit in for absent members, Pam Kirk and Mark Lott respectfully.

The Minutes of the July 10, 2014 County Planning Board meeting were approved as amended by a motion of Sally Kenyon and seconded by Michael Smith. Board member, Gordon Burgess, stated that Colby O'Brien's name should be removed from "Members Absent" since alternate members are not required to attend a meeting. The Minutes were corrected to reflect this. Carried 14 – 0.

**PUBLIC COMMENTS:**

Mr. Jim Dawley spoke on behalf of Casino Free Tyre, stating that the County Planning Board should have grave concerns for the Lago Resort and Casino Project. He stated that the design and style is completely different as initially planned and is designed to have the building closer to the homes. Mr. Dawley urged Board members to review traffic impact. He stated that the taxpayers of Seneca County will pay for the decision made by local officials.

Ms. Cheryl Bonetti stated she was in attendance due to the proposal for construction of a deck to their home in the Town of Seneca Falls.

Mr. Raphael Jamison of Two Guys with Tools spoke on behalf of Emma Marino's proposed Project which is to enclose a portion of the deck at property located on Lower Lake Road in Seneca Falls.

**GML Reviews:**

**Presentation – Proposed Lago Resort and Casino:**

Mr. Michael Simon, P.E., BME Associates, introduced himself and stated that he was representing Whitetail 414, LLC. Mr. Juris Basens, Vice President of Gaming Operations, Wilmorite, Inc., was also introduced. Mr. Simon stated that the Lago Resort and Casino Project was presented to the County Planning Board several months ago. The developers have received a number of comments from the public as well as officials, and have engaged in new architects. As a result, a

(OVER)

modified Site Plan is being submitted. Mr. Simon stated that a Comparison Matrix has been prepared which shows the comparison of the originally approved Site Plan to the modified Site Plan. Mr. Simon referred to the Project rendering during his presentation.

The following items were addressed:

- The total land area remains unchanged at 84.9 acres.
- Green space for the area is still 63%. There is no requirement for green space. A benchmark for green space for projects in most communities is at 36%.
- Total Footprint of Buildings – This has increased from 287,500 square feet to 334,100 square feet (approximately 46,600 square feet increase). This is largely due to the parking garage being reduced from six stories to four stories and by adding a Child Care Facility which was not included in the original Site Plan. The lesser two stories of the parking garage accounts for 34,500 square feet of the increase. As a result of the parking reconfiguration, parking spaces reduced from 1,100 to 770 – 330 less parking spaces. The Child Care Facility is another 4,000 square feet. Under the New York State Gaming Application, it was required that a Child Care Facility be provided to Resort and Casino employees. The Child Care Facility will provide services to employees, and it will be up to the child care service provider if child care will be made available for non-employees.
- Total Buildings Square Footage – An increase from 400,000 square feet to 403,000 square feet mostly due to the addition of the Child Care Facility.
- The elevation of the building has been lowered by 14 feet. The relocation of the building on the site allows the building to set at an elevation which is 14 feet less. Mr. Simon stated that this is significant for visual impact to surrounding properties as well as major roadways.
- Hotel Building Location on Site - The hotel building has moved 825 feet closer to the west property line. The hotel has been relocated to the west where the existing trees to the north and along Route 414 will provide a better screening of the building, particularly from the residents on Chase Road to the north.
- Parking Garage Height / Elevation – As indicated earlier, the parking garage has been reduced by two stories; thus, modified to be 25 feet lower in elevation. This should place the top of the garage near or below the top of the existing tree line.
- Bus Drop-Off – The bus drop-off has been relocated from the front of the building to the rear of the building (west side to east side of building). This will help eliminate congestion in front of the structure.
- Burial Area – Due to the great concern over the burial area, the grading has been adjusted which now keeps the area close to existing grade rather than creating a noticeable grade change. The original plan was for a 50' X 75' easement and is now a 75' X 75' easement. Mr. Simon stated that orange construction fencing will surround the burial area during construction to eliminate any chance of damage to the site.
- Screening – Hedgerow screening will remain along the Thruway.
- Regarding questions and concerns about storm water flow, Mr. Simon showed the flow pattern of storm water on the site rendering. Mr. Simon stated that they will be using subsurface infiltration. Two permanent storm water management facilities will be developed and designed according to New York State Department of Environmental Conservation (DEC) standards. Mr. Simon stated that the storm water quantity and quality will not only meet DEC's expectations but should exceed them.
- There will be 53 impervious acres of paved and building coverage.
- Traffic impact was again evaluated. A traffic light will be located at the entrance to the site. Route 414 will be four lanes, from Route 318 to the Resort. There will be a protected left with a green arrow for traffic on Route 318 from the west. Coming from the east, a right hand turn lane will be installed.
- Regarding concerns about lighting, Mr. Simon stated that the reduction of six stories to four stories of the parking garage should help reduce the impact of lighting to neighboring properties. All lighting will be LED, and downcast lighting with shields on the north side of the garage will be used to eliminate spillage. With the hotel now being moved further to the west and lowering the elevation of the facility, the lighting should have less impact. Mr. Simon stated that the facility cannot be hidden but will in fact be almost unnoticed from surrounding properties during the months that trees have foliage.

#### 1) **Town of Tyre, Site Plan Review, Whitetail 414 LLC**

Gordon Burgess moved and Donald Denman seconded adoption of Resolution 29-14, which recommends approval for the modified Site Plan Review submitted by the applicant, Whitetail 414, LLC for Lago Resort and Casino. As indicated during the review of the previous Site Plan, the proposed Project is for the east side of Route 414, immediately north of the New York State Thruway. Under the Town of Tyre PUD (Planned Unit Development) Law, review of the modified Site Plan was required. Ms. Haynes stated that Mr. Simon gave the modified plans during the presentation. Ms. Haynes stated that this revised application will have no greater impacts on county or state facilities or community character than as originally proposed. Carried 14 – 0.

## **Presentation – Proposed Pine View Apartments:**

Ms. Susan Ottenweller, Executive Director, Better Housing for Tompkins County, introduced herself and Mr. Jess Sudol, P.E., Passero Associates of Rochester. Ms. Ottenweller stated that Better Housing for Tompkins County of Ithaca is joining Nathaniel Development Corporation of Rochester in proposing a small 48 unit rental housing development to offer affordable housing opportunities. A Program Summary and 2013 Annual Report of Better Housing for Tompkins County were distributed to Board members. Ms. Ottenweller stated that Better Housing for Tompkins County and Nathaniel Development Corporation have worked together for the past 30 years on such development including the Conifer Village in Interlaken. Ms. Ottenweller referred to the Seneca County Comprehensive Plan's Housing Section, citing "Seneca County residents needed access to safe, decent, and affordable housing, and that more financial assistance from State and Federal agencies was necessary to meet the needs of the most vulnerable populations" – this in response to surveys of over 30 human services and economic development agencies.

Mr. Sudol, P.E., Passero Associates, stated that the proposed Project is to be situated on 10 acres of undeveloped land at the southeast corner of Routes 414 and 318 in the Town of Tyre. Mr. Sudol referred to the Project rendering during the presentation. The construction of the private residential development will be on a flag lot in a wooded area at the southernmost point behind the Nice N Easy Store. The area will have 70% green space and a retention pond. The site was chosen because of the access to Routes 318 and 414 and the New York State Thruway. Mr. Sudol stated there are not many single residential homes nearby which is also a positive factor. Mr. Sudol stated that the site is remote from the roadway but relatively close to the commercial area. The buildings will each be two stories and have between four and six units. The units will have a mix of two and three bedrooms. The issue of sewer hookup was questioned. Mr. Sudol stated that the issue of sewer hookup has not been resolved and is working to receive the Seneca Falls Town Engineer's assurances that there is adequate capacity. Board member, Michael Smith, questioned if flag lots are allowed under the Tyre Town Zoning. The applicant's representative stated that the Tyre Town Zoning Officer will need to make an interpretation of the flag lot. Board member, Colby O'Brien, questioned as to how the housing will be funded. The applicants will be applying to receive State tax credits which will be beneficial to the private investors who will be funding the Project.

Ms. Ottenweller stated that Better Housing for Tompkins County manages 121 housing units throughout the rural areas within Tompkins County. Questions were raised as to what the annual income is of those persons renting such a unit. Ms. Ottenweller stated that of those renting units, the income is 30% to 60% of the County's median annual income; therefore, it would be approximately \$14,000 to \$28,000 per family.

### **2) Town of Tyre, Special Use Permit, Better Housing for Tompkins Co. & Nathaniel Dev. Corporation**

Gordon Burgess moved and Colby O'Brien seconded adoption of amended Resolution 30-14, recommending that the Town of Tyre Planning Board deny this application at this time with the opportunity for the Town to resubmit if the issues relative to the sewer capacity as identified have been resolved. As stated in the earlier presentation, the applicants, Better Housing for Tompkins County and Nathaniel Development Corporation, are proposing to develop a 48 residential unit housing complex in the Town of Tyre. A Special Use Permit is necessary to allow the Project under the Tyre Town Zoning Ordinance. Ms. Haynes stated that the applicants for this Project did not go through the normal procedures in submitting the application. The application has not yet been reviewed by the Town of Tyre Planning Board. The Tyre Town Planning Board will hold its meeting on August 26. Ms. Haynes stated that she has had contact with the Tyre Town Planning Board Chairman who has stated that he has no problem with the County Planning Board tabling any action until the September County Planning Board meeting. Ms. Haynes stated that the Project raises many concerns. Such concerns include the nonconforming lot, road frontage, existing sewer hookup and capacity, and not being compatible with the Tyre Town Comprehensive Plan. There was much discussion regarding the sewer hookup. Ms. Haynes stated that currently the sewer line from Petro to the Seneca Falls Town line is owned by the Seneca County Industrial Development Agency (IDA). Any entity to hook into the service needs approval by the IDA. Ms. Haynes further stated that the IDA, Town of Seneca Falls and Town of Tyre have been working on having lines in Tyre to be turned over to the Town of Tyre Sewer District. Ms. Haynes stated that there is a restricted flow area near the Holiday Inn that may need work prior to further hookup at that location.

Ms. Haynes stated that the Tyre Town Comprehensive Plan addresses housing needs but those needs are geared toward predominantly single family stand-alone housing. Ms. Haynes stated that 48 rental housing units would be 13% of the Town's current housing stock and nine times the rental units that are currently in the Town. Upon being questioned about availability of water supply, Ms. Haynes stated that lack of water is a non-issue as the Village of Waterloo has more than sufficient water supply. Regarding transit service, Ms. Haynes stated that the Seneca Transit Service goes near that

location twice a day at around 10:00 a.m. and 2:00 p.m. Ms. Ottenweller stated that other housing developments that Better Housing has been involved shows that most tenants have their own vehicles for transportation.

Ms. Haynes explained due to three resignations, the Tyre Town Planning Board currently has only four members. The Town is actively looking for members to appoint. Ms. Haynes stated that this means the Tyre Town Planning Board does not have a supra majority (majority plus one) to override the County Planning Board's recommendation. Board member, Gordon Burgess moved to recommend denial. Board member, Tom Scoles, stated that he was more comfortable with the Town of Tyre making the final decision. It was the general consensus by members that there were too many unresolved issues in the application. Ms. Ottenweller and Mr. Sudol requested that the action be tabled and that they be allowed to resubmit for the County Planning Board's September meeting. After much discussion, Resolution 30-14 was amended to read "WHEREAS, this application has many concerns regarding the status of the existing Sewer, that the Project is not in line with the Town Comprehensive Plan, and that the Project is designed to be on a nonconforming lot, be it therefore RESOLVED, that the Seneca County Planning Board recommends that the Town of Tyre Planning Board deny this application at this time with the opportunity for the Town to resubmit if the issues relative to the sewer capacity as identified have been resolved." Carried 13 – 1, with Edward Franzoni voting nay.

**3) Town of Seneca Falls, Area Variance, Marino, Emma & Dennis**

John Swanson moved and Donald Denman seconded adoption of Resolution 31-14, recommending that a request for Area Variance be approved. The applicants, Emma and Dennis Marino, who reside at 2444 Lower Lake Road, are seeking the Variance to allow the enclosure of a portion of the existing deck. Ms. Haynes stated that the Variance is required due to the lot not meeting size requirements. There will be no increase to the footprint of the structure. The residence is located on the west side of Lower Lake Road with trees to either side so the increase in height of a portion of the deck and expansion of the roofed area should have no significant impacts on the neighbors' views. Carried 14 – 0.

**4) Town of Seneca Falls, Area Variance, Bonetti, Thomas**

Tom Scoles moved and Sally Kenyon seconded adoption of Resolution 32-14, which recommends the request for an Area Variance be left solely to local determination. The proposal is for Mr. Thomas Bonetti to have a deck built at his residence located at 2339 Lower Lake Road. The 16' X 12' deck will include the landing and stairs on the south side of his residence. The deck will be constructed at the approximate elevation of the road side story of the home, and will include the stairway to provide access to the existing deck below which will extend 15' from the south side of the home. At no point will it be closer to the property line than the existing deck that is at the level of the "lake side" entrance to the home. Board member, Gordon Burgess, stated that the Short Environmental Assessment Form is answered incorrectly to Question 13a, indicating that the "yes" box should have been checked. Ms. Haynes stated that she would notify the Town of Seneca Falls of the correction. Carried 14 – 0.

**5) Town of Varick, Special Use Permit, Cornerstone Mennonite School**

Sally Kenyon moved and Mary Kelleher seconded adoption of Resolution 33-14, which recommends approval for a Special Use Permit. It is the intent for the Cornerstone Mennonite School to convert the existing structure to a church run 20-30 pupil school. The 1.6 acre parcel is at 4524 Route 96A. The students will be "van pooled" to school. Ms. Haynes stated that the previous use of the location was a gas station and tanks have been removed from the site. There are no proposed changes to the footprint of the building and no changes to the impervious surfaces at the site. Ms. Haynes stated that typically when the student population exceeds the seating capacity of the school, an additional school is constructed in a new location. Carried 14 – 0.

**6) Town of Seneca Falls, Proposed Local Law #3 of 2014, Moratorium on Mineral Extraction Approvals**

John Swanson moved and Donald Denman seconded adoption of Resolution 34-14, which recommends the request for a Moratorium on Mineral Extraction Approvals be left solely to local determination. The Moratorium would restrict all Boards and officials from the Town of Seneca Falls from approving any application for Site Plan, Subdivision, Zoning Variance, Special Use Permit or other permits relating to mineral extraction. The intent of this Moratorium is to enable the Town of Seneca Falls to investigate how to integrate Minerals Extraction activities with its predominantly residential and agricultural land uses, and draft proposed amendments to the Town Code. Ms. Haynes stated existing permits will be able to operate at their current permit status. Carried 13 – 0. Board member, William Dalrymple, recused himself from voting due to his family's involvement in the mining / mineral extraction business.

**7) Town of Fayette, Subdivision Review, Chambers, Charles**

Gordon Burgess moved and John Swanson seconded adoption of Resolution 35-14 recommending conditional approval of a Subdivision Review, and that the Area Variance is left solely to local determination. Charles Chambers wishes to divide 3.6 acres into two parcels: Parcel A – 2.9 acres and Parcel B - .7 acre. The property which is located at 2889 Route 96 is in a neighborhood of Residential and Agriculture. The .7 acre will be sold for a farming operation. Ms. Haynes stated that

this parcel is of a size smaller than needed for most agricultural purposes and frontage does not meet the minimal lot requirements as well as there being no access road. It should only be sold to an adjacent property owner and made a portion of a larger parcel; therefore, the Project will require an Area Variance. Conditional approval is recommended for the Subdivision Review upon Parcel B, as identified on the survey map, only being transferred to the owner of the adjacent property and become a part of the tax parcel. Carried 14 – 0.

**NEW BUSINESS:**

**Board Member's Resignation:**

Ms. Haynes stated that a letter of resignation was received from Lawrence Kesel. Mr. Kesel also resigned from the Tyre Town Planning Board. Tyre Town Supervisor Ronald McGreevy is looking for a replacement for Mr. Kesel. As stated earlier, the Tyre Town Planning Board has had a few recent resignations. Chairman Dalrymple stated that the Board appreciates Mr. Kesel's past service.

**OLD BUSINESS:**

**Role of County Planning Board:**

Board member, Edward Franzoni, stated that the committee assigned to develop a narrative as to the function of the County Planning Board has completed its first draft. Dr. Franzoni and Ms. Haynes will be meeting soon to edit the document and it will be ready to present at the next County Planning Board meeting. Ms. Haynes stated that a replacement will be needed for Lawrence Kesel's position. Gordon Burgess volunteered to serve on the committee.

**Training:**

Ms. Haynes stated that the upcoming training sponsored with Wayne County will be held September 17 at the Seneca County Office Building. This training will be provided by Representatives of the New York Department of State's Local Government Training Program. A flyer will be forthcoming.

The meeting adjourned at 8:57 p.m. by motion of John Swanson.

Respectfully submitted,

Mary E. DeStefano, Secretary  
Staff Resources Assistant