

**MINUTES
SENECA COUNTY PLANNING BOARD
NOVEMBER 8, 2018**

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

MEMBERS PRESENT: Betty Berger, Henry Bickel, Gordon Burgess, William Dalrymple, Mary Kelleher (Alternate), John Pigman, Michael Scaglione, Tom Scoles, Melvin Wagner and David Wood (Alternate)

MEMBERS CALLED: Michael Enslow, Edward Franzoni, Mark Lott, Michael Smith and John Swanson

MEMBERS ABSENT: Sally Kenyon

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

GUESTS: None.

The meeting was called to order at 7:03 p.m. by Chairperson, William Dalrymple.

Alternate members were appointed to sit in for absent members – Mary Kelleher for John Swanson and David Wood for Edward Franzoni.

The Minutes of the October 11, 2018 meeting were approved by a motion of Gordon Burgess and seconded by Mary Kelleher. Carried 10 – 0.

PUBLIC COMMENTS: None.

GML Reviews:

1) Town of Tyre, Minor Subdivision Review & Site Plan Review, Burkholder, Chester

Tom Scoles moved and Michael Scaglione seconded adoption of amended Resolution 49-18, recommending conditional approval. Mr. McGrath distributed site plan maps for review of the proposed site that is located across the road from the scrap metal center on State Route 414. Mr. Burkholder owns an approximately 15 acre parcel that he wishes to divide into three lots. This parcel is located in the Commercial District-West under the Tyre Town Zoning Ordinance. Parcel #1 would consist of 3.7 acres and contain the existing single family home with frontage on State Route 414. Lot #2 would consist of 3.2 acres and contain the existing commercial use of a trucking/garage company. Parcel #3 would consist of 8.3 acres consisting of a mostly wooded area that the applicant intends to use for a future single family home. This lot would have frontage on Worden Road. All three parcels will meet the minimum standards under the new Tyre Town Zoning for setback from the road right-of-way. Additionally, each parcel will have above the required minimum width of 150' in the Commercial District-West. Mr. McGrath stated that when an application was submitted to the Tyre Town Planning Board for the construction of a barn, it was believed that the barn was for the applicant's personal use or for agricultural purposes. Following the issuance of the permit, it was discovered that a commercial business, known as Empty Pockets LLC, was operating from the barn. Town officials then notified Mr. Burkholder that the application would have to be resubmitted to be processed as a commercial business. Mr. McGrath stated that the commercial garage is hooked into the septic system installed for the house. The submitted site plan calls for the construction of a dedicated septic system for the garage on parcel #2. Mr. McGrath stated that town officials requested that the applicant subdivide the property and develops independent septic and water for the garage that he is sharing with the house. Mr. McGrath stated that the Seneca County Public Health Department has not granted approval for the proposed septic to date. Under the Tyre Town Zoning Regulations for properties in the Commercial District-West, 20' is the required setback from side property lines where septic and water services exist. According to the proposed site plan, the setback shows 19.9' from the side property line. Public sewer and water are both available to the site but it is only serviced by public water at this time. Mr. Burkholder is electing to build septic rather than connect to the sewer line on the other side of the road. Mr. McGrath stated that at the time of writing the report, the survey

was not submitted with the application; however, he indicated that prior to tonight's meeting, copies of the survey were delivered by Henry Bickel who serves on the Tyre Town Planning Board. Therefore, condition #1 in the Resolution can now be omitted. Tom Scoles voiced concerns regarding the septic system and stated that it is quite a distance to run a septic line from the garage to the house septic system. There was a lengthy discussion regarding the intended use of the garage/barn and the septic system. Ms. Haynes stated that there could have been a change of intended use or there was misrepresentation regarding the development of the project. Amended Resolution 49-18 states "RESOLVED, that the Seneca County Planning Board recommends that this request be approved conditional upon: 1) the Town of Tyre grant a variance for the garage being within the 20' setback or require that the plat be changed to reflect the newly adopted zoning requirements for the Commercial District-West, 2) that the Town of Tyre assure that the water and sewer on the site plan be developed as designed, and 3) that the Town of Tyre receive assurances that the garage meets the New York State Building Code requirements as a commercial building of its intended use." Carried 9 – 0 with an abstention from Henry Bickel.

2) Town of Tyre, Area Variance, Lehigh Gas Wholesale/DBA Circle K

Gordon Burgess moved and Betty Berger seconded adoption of Resolution 50-18 recommending approval for an Area Variance for signage to reflect the transfer of the "nice n easy" store located at the corner of Routes 318 and 414 to "Circle K" which is a subsidiary of Lehigh Wholesale Gas. The new signage to be installed will include: 20 fuel pump signs (12 two-sided and 8 four-sided), 20 column signs (1'X1'), one building sign, one freestanding business sign (double-sided – 66 sq. ft.) and new canopy signs. Ms. Haynes stated that the proposed total of signage exceeds the allowance under the Tyre Town Zoning Regulations. Town zoning allows for three signs of a business in the C-1 Zone, with 100 sq. ft. maximum size. Ms. Haynes stated that the Town Planning Board's resolution referring the matter to the Zoning Board of Appeals notes that the new canopy signs of 48" X 120" exceeds the square footage for signs in the Town of Tyre. Ms. Haynes stated that the canopy over the diesel pumps is a total of 140' in length around the canopy; however, it appears that only approximately 60' of linear length will be information and the remainder will be a colored background. The Town Zoning exempts signs on fuel/gasoline pumps. The freestanding sign appears to be comparable in size to the "nice n easy" sign in that location but no comparative measurements have been provided. Ms. Haynes stated that unfortunately, a chart was not provided showing the existing signage on site under the current ownership as opposed to the proposed signage for "Circle K". There will be a LED gas pricing board on the exit side of the canopy. White vinyl will be applied for "Diesel, Enter Here" and "Do Not Enter" on canopy, along with an orange and white bottom stripe. Approval is recommended for the Area Variance for signage equal to the existing signage for the freestanding sign, the building mounted sign and for the canopies and to include the additional directional and price information on the diesel canopy. Carried 9 – 0. Henry Bickel abstained.

OLD BUSINESS: None.

NEW BUSINESS: None.

The meeting adjourned at 7:37 p.m. by motion of Mary Kelleher.

Respectfully submitted,

Mary DeStefano, Staff Resources Asst.
Secretary