

**MINUTES
SENECA COUNTY PLANNING BOARD
SEPTEMBER 10, 2015**

**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, Pam Kirk, Mark Lott, Michael Scaglione, Tom Scoles, Michael Smith and John Swanson

MEMBERS CALLED: Sally Kenyon

MEMBERS ABSENT: Jack Freer

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

GUESTS: Joseph Bowes, Sr. Real Estate Developer, Ithaca Neighborhood Housing Services; David Dresser, Ovid Town Resident; Susan Ottenweller, Ithaca Neighborhood Housing Services; Michael Simon, P.E., BME Associates; Jess Sudol, P.E., Passero Associates

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

The Minutes of the August 13, 2015 meeting were approved by a motion of Tom Scoles and seconded by Gordon Burgess. Carried unanimously.

PUBLIC COMMENTS:

Ms. Haynes addressed the Board, stating that the attendees are here to speak to the Board when the project is to be reviewed. Board members were in consensus to allow guests to speak during the related discussion.

GML Reviews:

Presentation – Lago Resort & Casino:

Chairman Dalrymple called upon Mr. Michael Simon of BME Associates, to address the Board regarding the development of the Lago Resort & Casino in the Town of Tyre. Mr. Simon stated that at last month's County Planning Board meeting, legal representation explained that court procedures found errors in the application as initially submitted. As a result, the Project came before the County Planning Board again in August, and the Planning Board reaffirmed the Development Plan. Mr. Simon stated that the Development Plan submitted last month was the Plan originally submitted. Mr. Simon stated that the Development Plan is really a Sketch Plan that evolves during the design process – the Plan is a mirror representation of what is being proposed. After last month's meeting, it was legal counsel's opinion that the application be resubmitted for the County Planning Board's review at the September meeting, utilizing the Site Plan and Development Plan. Mr. Simon reiterated that the Site Plan rendering as shown tonight mimics the exact Site Plan as presented last month. There have been no changes regarding square footage, designated wetlands, parking, storm water management, sanitary sewer system, etc. There has only been a slight change to the footprint of the Project. Mr. Simon stated that site construction is suspended at this time.

1) Town of Tyre, PUD Application, Zoning Amendment and Development Plan Review, Lago Resort & Casino

Gordon Burgess moved and Donald Denman seconded adoption of Resolution 37-15. Ms. Haynes stated that Mr. Simon of BME Associates reviewed the pertinent information for the Lago Resort & Casino. Ms. Haynes stated that there is a correction to the report she prepared. Under the "SEQR" paragraph, it is to read "The Town Board is serving as lead agency" instead of "It is anticipated that the Town Board will serve as lead agency." The report will be changed to reflect the correct wording. Ms. Haynes stated that the wording in the report does not change Resolution 37-15. The Seneca County Planning Board recommends: 1) acceptance and approval of the Planned

Unit Development (PUD) Application, 2) recommend acceptance and approval of the Development Plan, 3) recommend adoption of the Zoning Amendments, and 4) to reaffirm the County Planning Board's approval of the Site Plan submitted and reviewed at the August 13, 2015 meeting. Carried 12 – 0.

Presentation – Pine View Circle Project / Ithaca Neighborhood Housing Services:

Mr. Jess Sudol, a Civil Engineer at Passero Associates, introduced himself as well as Ms. Susan Ottenweller and Mr. Joseph Bowes of Ithaca Neighborhood Housing Services. Mr. Sudol referred to the rendering of the proposed Pine View Circle Project in the Town of Tyre, to be situated on the south side of Route 318 and east of Route 414. The townhouse style 48-unit rental complex will be located on ten acres that will be subdivided from a 26 acre parent parcel. Mr. Sudol stated that this Project came before the County Planning Board in 2014 and at that time, the County Planning Board raised concerns which have been addressed. Mr. Sudol provided the following information:

- The 48-unit housing complex, is not considered low income – it is affordable housing – not sub-standard housing. The one, two, and three bedroom units will be built with the highest quality of construction materials and will be completely compliant with New York State Building Code standards. Mr. Sudol stated that the units will get audited every year. Funds are kept in reserve so that money is available for any necessary renovations.
- The site will include a community center, community garden, playground area, recreational trails and pedestrian friendly walkways. The complex will consist of 26 three-bedroom units, 11 two-bedroom units and 11 one-bedroom units. Parking will allow for 75 vehicles which is a figure extracted from the design of housing complexes throughout New York State owned by Ithaca Neighborhood Housing Services.
- The applicant, Ithaca Neighborhood Housing Services (INHS), is a full service affordable housing not-for-profit corporation that has 35+ years of experience in maintaining over 350 units in approximately 30 buildings and apartment complexes, and have become real assets in the communities which they exist. Mr. Sudol explained that INHS developers will make a 50 year commitment to the development. It is the history of INHS to not sell the properties it owns.
- A Market Study has been done and an overall average capture is well supported. Census tract data was used in compiling the Study. No statistics were based on the proposed resort and casino.
- There is ample water supply from the Village of Waterloo. Through discussions with appropriate agencies and municipalities, approval for access to the sanitary sewer system has been attained.
- The New York State Department of Transportation (NYSDOT) has reviewed the Project and given tentative verbal approval.
- In the first submitted application, it was proposed that access would be off of Route 414. The access has now been moved to Route 318.
- There are no plans for a traffic signal at this time. Mr. Sudol stated that during peak hours, there needs to be 200 vehicles entering and exiting the property in order to necessitate a traffic signal. Their studies show that approximately 26 to 27 vehicles will enter / exit the property at the peak hours.
- All potential tenants will be screened through very strict leasing criteria. Once the application is received, checks are conducted for credit history, criminal background, employment, and landlord references. Home visits are also conducted.
- The development will not remove productive agricultural land from the County's inventory.
- Mr. Sudol stated that the Project is in line with both the Comprehensive Plan of Seneca County as well as the Tyre Town Comprehensive Plan. The housing portion of the County Comprehensive Plan addresses housing needs throughout the County. The Town's Plan addresses the housing needs for the senior population. The one-bedroom apartment will provide needed senior housing.
- Board member, Tom Scoles, asked if the Pine View Circle Project will be comparable to the Elizabeth Crossing Apartments in Waterloo. It was stated that the selection and screening process is quite different, again citing the multistep qualification process for all applicants. Ms. Ottenweller stated that the Elizabeth Crossing Apartment complex is operated through a New York City based corporation. INHS is located in Ithaca.
- Board member, Gordon Burgess, inquired as to who is financing the Project. It was explained that the application is submitted to New York State which in turn issues tax credits. The tax credits are then sold to private investors.

- Concerns were raised regarding tenants who will not have transportation to shopping areas and other destinations within the county. Ms. Haynes and Mr. Sudol explained that the Seneca Transit Service (STS) provides transportation services in the area. Current STS fixed routes do not service the location, however, passengers may also ride the bus through Dial-A-Ride. For this service, customers contact STS ahead of time and request pick-up. Ms. Haynes stated that the Seneca Transit Service is under the parent Company of the Rochester-Genesee Regional Transportation Authority (RGRTA). Ms. Haynes stated that the fixed routes are reviewed periodically and could be adjusted based on demand. Mr. Sudol stated that the transportation service provider has been contacted regarding the proposed Project.

2) **Town of Tyre, Subdivision, Site Plan Review & Special Use Permit, Ithaca Neighborhood Housing Services & Better Housing of Tompkins County**

Tom Scoles moved and Betty Berger seconded adoption of Resolution 38-15, recommending conditional approval. Ms. Haynes stated that the request for multiple actions – approval for Site Plan Review, Special Use Permit and Subdivision is for the proposed 48-unit apartment complex on the south side of Route 318, east of Route 414 in the Town of Tyre. Ms. Haynes stated that Mr. Sudol covered the substantial information of the Project during his presentation. Harriet stated that historically, a major concern has existed about the capacity of the sewer lines along Route 414. The Engineering Firm, Barton & Loguidice, was hired by Seneca County to address the sewer issues in that particular area. Ms. Haynes stated that the specific question was posed to Barton & Loguidice as to if there is adequate capacity for the proposed use of sewer by this Project and the Consultants responded that the capacity does exist. Ms. Haynes stated that the Project will involve connecting to municipal facilities by extending lines along Route 318. She also stated that there was no confirmation that installation of “private” utility lines in the State right-of-way will be allowed by NYSDOT. Mr. Sudol responded by stating that NYSDOT has given preliminary approval of installation of utility lines in the State right-of-way and subsequently, there will be a Use and Occupancy Agreement Fee collected annually. Mr. Sudol stated that a private pumping station will be owned and maintained by INHS. Mr. Burgess, Board member, asked who will be paying for monthly rent – the tenant or New York State. It was explained that the tenant will be responsible for rent payment. In some cases, tenants will receive subsidy from the State. Ms. Ottenweller stated that the Market Study presents different scenarios. The Seneca County Planning Board recommends that final approvals be conditional upon 1) the applicant providing the Town evidence that the New York State Department of Transportation will allow the construction of the proposed water and sewer lines in the Route 318 right-of-way, or 2) the understanding that proposed utility lines along Route 318 will be dedicated to and accepted by the Town of Tyre as part of the Water and Sewer Districts. Carried 11 – 1 with Gordon Burgess voting nay.

3) **Town of Ovid 2015-B, Repeal of Local Law #1 – 2004**

John Swanson moved and Donald Denman seconded adoption of Resolution 39-15, recommending that Local Law B of 2015 not be adopted. In 2004, Local Law #1 was adopted, known as the “Land Use Ordinance.” Local Law #1 established lot size and setback requirements. The Town of Ovid is now proposing to rescind Local Law #1 of 2004. Ms. Haynes stated that the Town identifies that Seneca County enforces the New York State Building Code, and a Local Law regarding housing for recipients of Public Assistance. While the New York State Building Code establishes minimal setback, these setbacks are not as restrictive as Town of Ovid Local Law #1 of 2004, and are dependent on construction material and allows for zero setback if fire resistant materials are used. Ms. Haynes stated that at its June 2014 meeting, the Seneca County Planning Board reviewed a similar request and indicated that rescinding the current Town Regulations should only be done when a revision of those Regulations or new Regulations are being adopted, and resolved “The Seneca County Planning Board recommends that Local Law A of 2014 not be adopted.” Ms. Haynes stated that two surrounding Towns, Covert and Romulus, have administered a similar Land Use Ordinance as Ovid adopted in 2004.

Dr. David Dresser, former Ovid Town Supervisor, stated that he administered Local Law #1 of 2004 for five years. He stated that it was voted on last year and this year to repeal the Law. He stated that those individuals who support the repeal do not represent the constituents – a minority group supports it being repealed. Dr. Dresser stated that last evening, a public hearing was held regarding the Law and ten speakers were against repealing it. Board member and Ovid Town resident, William Dalrymple, stated that he has not spoken to anyone from Ovid who is in favor of repealing it, and stated that it needs to remain intact. It was reported that it was announced at the Ovid Town Board meeting that there is no record of the SEQR process having been completed prior to the adoption of Local Law #1 of 2004. Reputedly, the Ovid Town Board will not be administering the Land Use Ordinance. A lengthy discussion followed regarding setback requirements and minimum lot size in other communities as well as the role of local code enforcement officers and established permit fees.

Resolution 39-15 states that the Seneca County Planning Board feels that rescinding the current Town Regulations should only be done when a revision of those Regulations or new Regulations are being adopted; therefore, it is the recommendation of the County Planning Board that Local Law B of 2015 not be adopted. Carried 12 – 0.

OLD BUSINESS:

Reminder – Upcoming Training:

Ms. Haynes reminded Board members that the NYS Department of State training which is annually sponsored by the Wayne County and Seneca County Planning Departments will be hosted in Wayne County on Wednesday, September 16, beginning at 5:00 p.m., at the Wayne County Public Safety Building in Lyons. Registration for the event will be done predominately through the Wayne County's web site; however, if internet access is unavailable, registration can be done through Seneca County Planning staff.

NEW BUSINESS:

None.

The meeting adjourned at 8:10 p.m. by motion of John Swanson.

Respectfully submitted,

Mary DeStefano, Secretary
Staff Resources Asst.