

**MINUTES
SENECA COUNTY PLANNING BOARD
JULY 9, 2020**

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

- MEMBERS PRESENT:** Betty Berger, Charles T. Brady, Gordon Burgess, William Dalrymple, Sally Kenyon, Mark Lott, John Pigman Jr., Tom Scoles
John Swanson, David Wood (Alternate)
- MEMBERS CALLED:** Mary Kelleher (Alternate), Michael Scaglione, Melvin Wagner
- MEMBERS ABSENT:**
- STAFF:** Harriet Haynes, Sr. Planner, Joe McGrath, Justin M. Gahn
Dept. of Planning & Community Development
- GUESTS:** 9 representatives from the Mennonite church for the school.

The meeting was called to order at 7:04 p.m. by Chairperson, William Dalrymple.

The Minutes of the June 11, 2020 meeting were approved by a motion of Gordon Burgess and seconded by John Swanson. Carried 9 – 0.

PUBLIC COMMENTS:

Chairperson William Dalrymple appointed Alternate John Pigman to sit in for Mark Lott who is absent.

GML Reviews:

1) Town of Junius, Site Plan Review, Carey, Maple Grove Mennonite Sch.

Sally Kenyon moved and John Swanson seconded adoption of Resolution 21-20, recommending approval of a Site Plan Review is located in the Town of Junius and requires review under Section 239 of the General Municipal Law because it is within 500 feet of County Road 108 & Agricultural District #6. Ms. Haynes overviewed the site plan and explained that the applicant proposes to construct a 4 class room Mennonite School on an up to 5 acre parcel, which will be purchased from one of the members of the congregation. The 11,275 sf school will be constructed of wood with vinyl siding, and include 4 class rooms, assembly space, library, office, restrooms and storage. The property will be improved with parking, well & septic system, and play field. The disturbed area will be less than 1 acre. The applicant is working with the Health & Codes Dept. and has gotten approval for entrance off of Nine Ft. Rd. In the Town of Junius this project will not require subdivision approval. While this project will remove a couple of acres of land from Agricultural Production, the development of the school is in support of populations which are actively involved in Agriculture. Ms. Haynes explained that the Seneca County Department of Planning and Community Development advise the Seneca County Planning Board to recommend approval conditional upon approval of the Well and Septic systems by the Seneca County Health Dept. There was small discussion about the property and the layout of the school. Carried 9 – 0

2) Town of Seneca Falls, Use Variance, New Future Associate, LLC

Gordon Burgess moved and Charles Brady seconded adoption of Resolution 22-20, recommend approval of request for an Area Variance is located in the Town of Seneca Falls and requires review under Section 239 of the General Municipal Law because it is within 500 feet of State Route 5&20. Ms. Haynes explained the proposal for the use variance. The applicant proposes to construct a total of 8 apartments on the 2nd and 3rd floors of the building at the NE corner of Fall St. and State St. They are proposing 3 apartments on the 2nd floor 2 of them to be studios and 1 to be 1 bedroom. Additionally there are proposing 5 apartments on the 3rd floor, of which 3 will be one bedroom, and 2 studios. The applicant is proposing the installation of an elevator of the residents to access the 2nd and 3rd floors. The elevator is proposed to extend into the sidewalk on Falls St. This has the potential to impact the sense of the historical structure of the building as well as potentially interfere with pedestrian traffic. No plans were submitted as to where/how the residents could have egress from the building other the elevator. A review of the impacts on the historic fabric of the building likely will require a review by the historic district, and a legal interpretation regarding the granting permission for permanent addition to the building to extend into the public way. Ms. Haynes explained the concern: One of the main concerns that surfaces in regards to residential development in a downtown commercial district is the need to accommodate the parking needs of the residents without negatively impacting the Parking needs of the commercial enterprises. At times finding parking to visit one of the commercial establishments or offices in this area can be difficult. The applicant is working on an agreement that would allow the residents to park at the Generations Bank. This is a considerable distance and it will be tempting for residents to stretch the requirements and utilize parking near the building. The Town could consider some type of vehicle identification would allow a limited amount of time for parking in other than the designated area at the bank, so that the residents could unload from a shopping trip. Ms. Haynes further explained: assuming that the Town and applicant can to develop and agree on a system that will assure that parking around this busy intersection is not over whelmed to the detriment of the existing commercial uses; the county wide impacts should then be minimal. The degree of Variance is extensive. Under the current code only 2 apartments would be allowed, one on each floor. The Town ZBA will need to carefully determine if the request meets the statutory requirements for granting a Use Variance. The standards a for granting a Use Variance were first determined by court cases and have subsequently been made law such that: No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (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.” Ms. Haynes continued while the applicant attempts to make a case for lack of reasonable return, they have only given information for the status quo of the building and the proposal. There is no justification given as to why the problems that this building proposes are unique to this property and not a situation that is the same across the local commercial district. If there is a problem which applies to properties across the district then the appropriate remedy is a zoning amendment. Ms. Haynes then explained her recommendation. The Seneca County Department of Planning and Community Development advise the Seneca County Planning Board to recommend this matter be approved only with the following conditions: 1) review of the proposed Elevator by the Historic District or notification that said review is not needed, 2) a legal determination to be made by an attorney representing the Town that permission to grant a permanent easement into the sidewalk area for the construction of an elevator may be granted, and who has said authority to grant such an easement, and 3) development of a parking permit system that will assure that residents do NOT park for more than a short time in on-street parking, and that a signed agreement to allow parking at an off street location finalized. There was board discussion about various aspects of the project and the lack of information provided to the board at the meeting. It was concluded and by Chairman William Dalrymple that the Seneca County Planning Board recommends denial, due to lack of sufficient data, and be that the Seneca County Planning Board is willing to review this

application again when the additional information is made available, and be it Carried 9 – 0 Tom Scoles abstained.

3) Town of Romulus, Special Use Permit, Iron Bridge Rd. Amish Sch.

Tom Scoles moved and Charles Brady seconded adoption of Resolution 23-20, recommend approval of Site Plan Review is located in the Town of Romulus and requires review under Section 239 of the General Municipal Law because it is within Agricultural District #12. Ms. Haynes gave an overview of the report. She explained the applicant proposes to construct a 28' X 38' Amish School on approximately 1 acre parcel, which is currently part of a dairy farm. The 1,044 sf school project will also include the construction of two exterior toilets. There is no information as to if the applicant is working with the Health & Codes Depts. It is not clear if title of the property will be transferred to the school board or stay as part of the Swarey Farm. This should be clarified, and a determination made if that complies with the Town of Romulus codes. While this project will remove an acre of land from Agricultural Production, the development of the school is in support of populations which are actively involved in Agriculture. Ms. Haynes explained her recommendation. The Seneca County Department of Planning and Community Development advise the Seneca County Planning Board to recommend approval conditional upon approval of the water and sewer provisions for the school. It is also recommended that approval of any necessary Use Variance for the school to be maintained on the farm property or Subdivision Approval be left to local determination. Carried 10 – 0.

4) Town of Seneca Falls, Area Variance, Phuoc & Van Pham

Gordon Burgess moved and John Pigman seconded adoption of Resolution 24-20, recommendation for an Area Variance is located in the Town of Seneca Falls and requires review under Section 239 of the General Municipal Law because it is within 500 feet of County Road 116. Ms. Haynes explained the report. She explained that the applicant proposes to construct a 16' X 24' Sunroom attached to the rear of the house with a 6' wide deck around 3 side of the sun room. This will require an 8' Variance from the rear setback. The proposal should have minimal impacts on traffic or on neighborhood character. The Town ZBA is responsible to make the determination as to if this action meets the statutory requirements for granting an Area Variance. Ms. Haynes explained that the Seneca County Department of Planning and Community Development advise the Seneca County Planning Board to recommend this matter be left solely to local determination. Carried 9 – 0 Tom Scoles abstained.

5) Town of Tyre, Zoning Amendment, Town of Tyre

Sally Kenyon moved and Charles Brady seconded adoption of resolution 25-20, this is a request for review of a Zoning Amendment comes from the Town of Tyre and requires review as it impact property within 500 ft. of State Routes 414, & 318. Ms. Haynes presented the report. She explained that the Town of Tyre is proposing a zoning amendment to grant greater powers to the Town Planning Board in regards to signage and parking in the Commercial District West. The Town is lead agent on SEQR. The amendment adds the following language to the section on the Commercial District West: The Town of Tyre Planning Board, when reasonable to do so, may waive requirements, regulations and/or bulk standards which may apply to parking and/or signage regulations contained within the Town of Tyre Zoning Law with regard to parcels of land located in the Commercial West (C-1) zoning district which also abut or adjoin Interstate Route 90. This area of Town will continue to face unique development pressures not seen in other parts of the Town. Development here will likely include large developments that wish particularly to attract traffic from I-90. The Town Planning Board now has a history of working with large scale projects, and doing an excellent job of working with various developers. Ms. Haynes explained that the Seneca County Department of Planning and Community Development advise the Seneca County Planning Board to recommend this proposed Local Law be adopted. There was some small discussion then a vote was cast. Carried 10-0

OLD BUSINESS: Nonea

NEW BUSINESS: None

The meeting adjourned at 7:46 p.m. by motion of John Swanson.

Respectfully submitted,

Justin M. Gahn
Secretary