

MINUTES
SENECA COUNTY PLANNING BOARD
May 13th, 2021 – 7 PM
Health & Human Services Building
2465 Bonadent Drive, Waterloo, NY 13165

- MEMBERS PRESENT:** John Swanson, Mark Lott, Kyle Black, William Dalrymple, Jon Salmon, Charles Brady, Kathy Lutz, John Pigman, David Wood (Alternate), Tom Scoles (Alternate)
- MEMBERS ABSENT:** Michael Scaglione, Mary Kelleher, Bill Squires
- STAFF:** Harriet Haynes, Sr. Planner; Joe McGrath, Planner; Amanda Forney, Staff Resources Assistant of the Seneca County Department of Planning and Community Development
- GUESTS:** Timothy Kuryla, Kuryla applicant; Michael Montello & Chris Button, Project Managers representing Hobart & William Smith; Bill Karlsen, Town of Romulus Planning Board; Tom Bouchard, Town of Romulus Planning Board

The meeting was called to order at 7:02 pm by William Dalrymple, Chairperson.

David Wood (Alternate) was appointed to sit in for the town of Varick and Tom Scoles (Alternate) was appointed to sit in for the town of Seneca Falls.

The minutes of the April 8th, 2021 meeting were approved by a motion of John Swanson and seconded by Mark Lott. Carried 10-0

PUBLIC COMMENTS:

Public comments are requested before GML reviews. There were no public comments and all discussions during this meeting pertained to GML reviews.

GML Reviews: 27-40

1. Town of Seneca Falls, Subdivision, Kuryla

John Swanson moved and Charles Brady seconded adoption of Resolution 27-21, recommending approval of the minor subdivision request.

This application was sent for review because it is within 500 feet of County Road 116 and State Route 89.

This application was for a lot line adjustment and according to Mr. McGrath, neither property owner is gaining or losing property as the corner boundary of each will change angles. Mr. McGrath stated that there are no concerns of impact on County plans or otherwise. Mr. Kuryla stated this lot line change will make his lot more aesthetically pleasing.

Kathy Lutz and Tom Scoles abstained from voting. Carried 8-0

2. Town of Waterloo, Site Plan Review, Hobart & William Smith

Tom Scoles moved and John Swanson seconded adoption of Resolution 28-21, recommending approval of the site plan review.

This application was sent for review because it is within 500 feet of the Fayette town line and Agricultural District #6.

Ms. Haynes explained that this applicant is proposing to construct an addition on the west side of the boathouse where the parking lot is currently located. Setback requirements will be met and there will be a fair amount of space between the addition and house located to the west of it. Representatives of HWS were present and explained that there are currently no restrooms or locker rooms in this facility, requiring students and others to go back and forth between the main campus and the boathouse. The addition will allow for restrooms and locker rooms for both colleges. Representatives also stated that this is a continuation of updates that began two years ago. They also noted that the new amenities will have access to public water and sewer. The Department did not find there to be any negligible impact on the town or otherwise.

John Pigman abstained from voting. Carried 9-0

3. Town of Fayette, Site Plan Review & Conditional Use Permit, Hetland & Wade

Kyle Black moved and Jon Salmon seconded adoption of Resolution 29-21, recommending the request for site plan review and conditional use permit be left solely to local determination.

This application was sent for review because it is within 500 feet of State Route 89 and Agricultural District #8.

Ms. Haynes explained that the applicants are applying for a site plan review and conditional use permit to use this property as a short term rental. They want to limit the total occupancy and the total bedrooms that can be used down to 4. This home has 7 bedrooms and town regulations state a maximum occupancy of 10.

Ms. Haynes stated that a 2019 septic inspection was submitted and indicates that the tank is 1,000 gallons. For new construction, a 1,250 gallon septic tank would be required for 4 bedrooms and 2,000 gallons for 7 bedrooms per Fayette town and NYS regulations. The 1,000 gallon tank was deemed acceptable for an existing structure per the Seneca County health department.

The department determined that there would be no significant impact on State Route 89 or the agricultural district.

There was a discussion about the number of rooms that could not be used and confirmation from Charles Brady that regardless of rooms in a home, the maximum occupancy is 10 people.

Mr. Scoles also stated he believes the town should take a closer look at potential issues with the size of the septic tank.

Mark Lott and Charles Brady abstained from voting. Carried 8-0

4. Town of Fayette, Subdivision, Hartman

Jon Salmon moved and John Pigman seconded an adoption of Resolution 30-21, recommending approval of the subdivision.

This application was sent for review because it is within 500 feet of Agricultural District #8.

The applicants wish to subdivide their single residential parcel into two. Mr. McGrath believes they are preparing to sell. The home will sit on the 9.7 acre parcel and the remaining undeveloped woodlot parcel will total 3.3 acres. The Department determined that there would be no impact on the agricultural district.

Mark Lott and Charles Brady abstained from voting. Carried 8-0

5. Town of Fayette, Site Plan Review, Berra

John Swanson moved and Kyle Black seconded an adoption of Resolution 31-21, recommending approval of the site plan review.

This application was sent for review because it is within 500 feet of Agricultural District #8.

Ms. Haynes explained that this property is on Teall Beach Rd and includes lake frontage. They own a separate parcel across the road where they are proposing to put up a 40' by 60' pole barn to store vehicles and lawn equipment. The Department determined that this storage building will not negatively impact the use of the adjacent agricultural property.

Mark Lott and Charles Brady abstained from voting. Carried 8-0

6. Town of Fayette, Site Plan Review, Kasey

Tom Scoles moved and Jon Salmon seconded an adoption of Resolution 32-21, recommending that the request for a site plan review be left solely to local determination.

This application was submitted for review because it is within 500 feet of Agricultural District #8.

Ms. Haynes explained that the applicant wants to construct an 8' by 20' 2nd story addition over a portion of their home that is currently one story. The addition will include a bathroom, home office, and balcony. The Department determined that there should be no significant impact on the agricultural district.

Mark Lott and Charles Brady abstained from voting. Carried 8-0

7. Town of Romulus, Minor Subdivision, Deer Haven Park LLC

Charles Brady moved and Kyle Black seconded an adoption of amended Resolution 33-21. The recommendation is for the request to be approved upon any easements, rights of way, and locations related to the ownership and operation of the waterlines be identified and submitted to the town of Romulus prior to final approval and forwarded to the County at the time of the final action by the town. Also included in the amended resolution is that deed restrictions are to be placed on drilling wells for potable water on the area of this subdivision.

This application was submitted for review because it is within 500 feet of a municipal boundary (Varick) and agricultural district #8 & #12.

Mr. McGrath described this application for a minor subdivision at the Seneca Army Depot. One parcel is to be retained by Deer Haven and the other is proposed to be sold. In the retained parcel, there are road and railroad right of ways and other areas of concern. The parcel to be sold will contain primarily vacant lands and remaining munition storage facilities (igloos.). Deer Haven Park LLC is to retain all areas that have any active restrictions for land or water use that were identified in the Seneca Army Depot Activity IC Implementation Plan. The Planning Department confirmed with NYS DEC that no transferred portions of the depot would be transferred out of Deer Haven Park ownership where contamination is identified or use restrictions are in place.

Mr. McGrath stated that the ownership of waterlines cannot be confirmed and that easements related to ownership and operation must be identified and submitted to the town. Mr. McGrath also stated that all future owners and occupants of any interior farmsteads will have deeded easements for access to all roads and right of ways. The Department's initial recommendation was for the minor subdivision to be approved conditional upon any easements related to the ownership and operation of the waterlines be identified and submitted to the town prior to final approval.

There was a lot of discussion regarding potential issues with future development of the subdivided parcel due to lack of easements. The concern about contamination was also discussed and Mr. McGrath noted that the Army is still actively monitoring and doing abatement

in this area and that he confirmed with NYS DEC that none of the areas of concern will be transferred to new owners.

Mr. Bouchard stated that the town of Romulus Planning Board was told that Mr. Martin allegedly has a verbal agreement with the County regarding water lines and easements and that the Romulus Planning Board requested a document in writing.

Mr. Black brought up his concerns with contamination, conditions, and covenants as well as deed restrictions on the property to be subdivided. Mr. McGrath stated that this particular parcel does not have any restrictions placed on it but the parcel to be retained does. Ms. Haynes also noted that she spoke with NYS DEC and they do not put restrictions on wells and wells for potable water will be included in transfer of the property.

Following these discussions, Mr. Black made a motion to amend the original recommendation given by the Planning Department and a vote was called.

Carried 10-0

8. Town of Romulus, Use Variance & Site Plan Review, Busby

Charles Brady moved and John Swanson seconded an adoption of Resolution 34-21, recommending denial of the use variances due to there being no reasonable expectation that the statutory requirements can be met. The recommendation also states that if the applicant prevails at the ZBA, then the granting of a site plan approval should be left to local determination.

This application was forwarded for review because it is within 500 feet of East Lake Rd (County Rd 125) and boundary with the town of Varick.

The applicants are requesting necessary action to allow construction of a second home on the parcel. Ms. Haynes stated that a use variance would need to be approved in order to construct a 2nd structure. The code officer in the town of Romulus also has ruled that the proposed shipping container structure is a mobile home under the definitions in Article II of the Romulus Zoning. Article IV states that single wide mobile homes shall only be allowed in agricultural zones. Ms. Haynes stated that the applicants need to have the ZBA overturn the code officer ruling or receive a 2nd use variance to allow a single wide unit in this lakeshore residential zone. The Department recommended denial based on there being little evidence that the applicants could meet all four (4) requirements to be granted two (2) use variances.

Carried 10-0

9. Town of Romulus, Subdivision, Rice

Jon Salmon moved and Mark Lott seconded an adoption of Resolution 35-21, recommending the request for a subdivision of tax parcel 13-1-12.2 be approved conditional upon 1.) The 1 acre parcel is made a part of 13-1-12.1, and 2.) Parcel 13-1-12.2 to be granted use, for agricultural purposes, of the farm lane that transverses parcel 13-1-12.1 including the additional 1 acre. This application was submitted for review because it is within 500 feet of Agricultural District #12 and County Road 129.

Per Ms. Haynes, the proposal is to subdivide 1 acre of land for the purpose of it being attached to a smaller parcel. Since the 1 acre parcel will not have any direct road access, it should be combined with the smaller parcel. Ms. Haynes stated that the subdivided parcel should be granted use, for agriculture purposes, of the farm lane that transverses parcel 1.

Carried 10-0

10. Town of Seneca Falls, Area Variance, van Leusden

Kyle Black moved and Jon Salmon seconded an adoption of Resolution 36-21, recommending that this request be left solely to local determination.

This application was submitted for review because it is within 500 feet of County Road 116. Mr. McGrath explained that this applicant is proposing to build a new deck on their lakefront cottage, replacing an existing 4' wide deck with a 12' wide deck. Additionally, a walk way would be constructed on the south side of the home to connect to the street fronting portion. The Department recommended that this request be left solely to local determination. Kathy Lutz and Tom Scoles abstained from voting. Carried 8-0

11. Town of Tyre, Site Plan Review, Montezuma Winery

John Swanson moved and John Pigman seconded an adoption of Resolution 37-21, recommending approval of the site plan review.

This application was forwarded for review because it is within 500 feet of State Route 5 & 20 and State Route 89.

The applicant has submitted a proposal for a 46' 10" by 48' expansion on the eastern side of an existing warehouse facility. Mr. McGrath stated that the proposal follows the approval and construction of expanded capacity in the adjacent production area and all other standards are met. The Department does not believe there to be any impact on County concerns or facilities. Mr. McGrath confirmed for Mr. Black that there are no conditions that need to be met due to its vicinity to the Montezuma Wildlife Refuge.

Carried 10-0

12. Town of Tyre, Site Plan Review, Glenwood Foods

Tom Scoles moved and Mark Lott seconded an adoption of Resolution 38-21, recommending approval for the site plan review.

This application was forwarded for review because it is within 500 feet of the Seneca Falls town boundary, State Route 318, and Agricultural District #6.

Ms. Haynes explained that the applicant wishes to construct a 3,200 sq. ft. storage structure for equipment. There will not be any electric and the floor will be gravel. Ms. Haynes stated that there likely won't be an impact on traffic or on the agricultural district. Ms. Haynes did note that the town of Tyre may wish to encourage the applicant to move the structure to the west to grant more space between the neighboring residence.

Carried 10-0

13. Town of Varick, Subdivision, Parella & Lafferty

John Pigman moved and John Swanson seconded an adoption of Resolution 39-21, recommending approval of the subdivision conditional upon the rear portion being attached to an adjacent parcel or granted access via the 25' right of way along the west side of the Lafferty parcel.

This application was submitted for review because it is within 500 feet of Agricultural District #8.

Ms. Haynes explained that the applicant wishes to purchase part of their neighbors parcel to expand his holding to develop a private area used as a buffer and wildlife habitat. Ms. Haynes stated that this should have no significant inter-municipal or county-wide impacts.

Carried 10-0

14. Town of Waterloo, Site Plan Review, Krueger & WGDP, LLC

Charles Brady moved and Jon Salmon seconded an adoption of Resolution 40-21, recommending that the site plan review be approved conditional upon the town of Waterloo accepting a circulation plan.

This application was forwarded for review because it is within 500 feet of State Route 5 & 20.

Mr. McGrath explained that the applicant is proposing to construct a 30' by 100' mini-storage building located behind the existing Bad Burro coffee drive-thru. The concrete slab that was previously there has been removed in preparation. The circulation plan is not included in the application and there is concern about traffic issues. The Department determined that a circulation and access plan should be submitted to ensure there is orderly access to both the coffee shop and storage facility.

Carried 9-0

OLD BUSINESS: None

NEW BUSINESS: Ms. Haynes informed the members that she received word of Betty Berger's passing. Betty Berger was a former Seneca County Planning Board member. Ms. Haynes stated that there will be no obituary and no calling hours per Betty's request. Mr. Dalrymple asked Ms. Haynes to send regards to the family on behalf of the board.

Adjournment: John Swanson made a motion to adjourn. The meeting adjourned at 9:16 PM.

Respectfully submitted,

Amanda Forney
Secretary