

SENECA COUNTY PLANNING BOARD

MINUTES

December 8, 2022 – 7 PM

Health & Human Services Building

2465 Bonadent Drive, Waterloo, NY 13165

MEMBERS PRESENT:

John Swanson, Kyle Black, William Dalrymple, Jon Salmon, Sally Kenyon, Charles Brady, Kathy Lutz, Tom Scoles, David Wood, Frank Ruzicka (Alternate 4)

MEMBERS ABSENT:

Mark Lott, Mary Kelleher, Karen Thomson, John Pigman, Michael Scaglione, Sue Sauvageau (Alternate 1), Janet Lynch (Alternate 2), Domenica Catalano (Alternate 3)

STAFF:

Harriet Haynes, Sr. Planner; Jason Rearick, Planner; Amanda Forney, Staff Resources Assistant of the Seneca County Department of Planning and Community Development

GUESTS:

Susan & Tom Challen of Cayuga Ridge Winery

The meeting was called to order at 7:02 PM by William Dalrymple, chairperson.

Frank Ruzicka (Alternate 4) was appointed to sit in for Mark Lott.

The minutes of the November 10, 2022 meeting were approved by a motion of John Swanson and seconded by Charles Brady. Carried 10-0

PUBLIC COMMENTS:

GML REVIEWS:

1. TR 9-1-01.2, Subdivision, Levi Byler

Sally Kenyon moved and Charles Brady seconded the adoption of resolution 55-22, recommending approval conditional upon the proposed right-of-way being made a part of the deed. The applicant wishes to subdivide 2.2 acres from an 8.4-acre parcel for the purpose of constructing a home. There will be access via a 50' wide right-of-way that crosses the applicant's property. Since the proposed parcel won't have the required frontage, an area variance may be needed to allow it to be created with the deeded right-of-way. Carried 10-0

2. TSF 33-1-21.2, GreenSpark Solar, Special Use Permit/Area Variance/Site Plan Review

This application was sent up for review but it was later determined that the project was out of area. Mr. Rearick briefly discussed some points regarding the application as he had invested some time in it. The application was forwarded as a special use permit but also needed a site plan review and area variance due to setbacks. Mr. Rearick noted a few things were triggered by SEQR such as an archaeological site nearby and this area being prime habitat for the Indiana Bat during nesting season. Mr. Rearick also noted that some required items were missing from the application such as property operation and maintenance plan, noise study, viewshed line of site analysis, and a decommissioning plan. He also noted that there is a discrepancy between NYS law and the Town of Seneca Falls law regarding surety bonds. For the Town, the law states that the surety bond should be

updated every fifth year but per NYS law, financial and surety bond agreements should run no longer than three years. The County Planning Department believe it is a good idea for the Town of Seneca Falls to take a closer look at this discrepancy with the Town attorney. Ms. Haynes also noted that the Town should give serious consideration to how much of an area variance is given to the determined setbacks as it will set a precedence.

3. TSF 26-1-04.111, Area Variance, Lakeside Enterprises of the Cayuga Nation

Charles Brady moved and David Wood seconded the adoption of resolution 56-22, recommending that the request be left solely to local determination. The applicants propose constructing an 8' barbed wire fence around a 15,500 sq. ft. cannabis growing facility. The Route 414 frontage of the property is zoned industrial but all other areas surrounding the property are zoned R-1. The proposed fence will be set back 50' from the Town highway facility, 300' from the nearest R-1 zoning areas, and over 940' from Route 414. High and secure fencing is permitted in industrial zones but not R-1. Tom Scoles abstained. Carried 9-0.

4. TSF 14-1-20, Historic Preservation Commission Appeal, William Bailey

Sally Kenyon moved and Charles Brady seconded the adoption of resolution 57-22, recommending approval conditional upon the completion of SEQR. The applicant applied to the Historic Preservation Commission to replace a door and windows. The HPC denied their request to replace four windows that have sills less than 3" from the floor with windows where the sill would be greater than 18" from the floor. The applicant indicates they would like to conform with current building codes and renovation for safety purposes. No similar application for the reduction of window size has been approved by the HPC in the past. Ms. Haynes noted that under NYS Fire Prevention Building Code, historic structures that are individually identified or within a district do not have to follow certain sections of code. The report includes alternative methods for the applicants to use to keep the windows safe. While completing the report, it was realized that a SEQR form was not submitted. Ms. Haynes noted that while the recommendation would have otherwise been to leave the request to local determination, a recommendation of approval with a condition was necessary to identify the need for SEQR to be completed. Tom Scoles abstained. Carried 9-0

NEW/OLD BUSINESS: None

Adjournment: The meeting was adjourned at 7:42 PM

Respectfully submitted,

Amanda Forney
Secretary