

**SENECA COUNTY**  
**PLANNING BOARD MINUTES**  
**Thursday, November 9, 2023 – 7 PM**  
Health & Human Services Building  
2465 Bonadent Drive, Waterloo, NY 13165

**MEMBERS PRESENT:** John Swanson, Mark Lott, William Dalrymple, Karen Thomson, Charles Brady, Michael Scaglione, Kyle Black, Kathy Lutz, Sue Sauvageau (A1), Janet Lynch (A2), Frank Ruzicka (A4), Kate-Lynn Woodhouse (A5)

**STAFF:** Harriet Haynes, Sr. Planner; Jason Rearick, Planner; Caitlin Ryan, Staff Resource Assistant of the Seneca County Department of Planning and Community Development

**GUESTS:** Dan Emmo, Town of Seneca Falls Zoning Board of Appeals Chairman

The meeting was called to order at 7:03 PM by William Dalrymple.

Sue Sauvageau was appointed to sit in for David Wood, Janet Lynch was appointed to sit in for John Pigman, Frank Ruzicka was appointed to sit in for Mary Kelleher, and Kate-Lynn Woodhouse was appointed to sit in for Sally Kenyon.

The minutes of the October 12, 2023, meeting were approved by a motion of Frank Ruzicka and Kyle Black. No abstentions. Sue Sauvageau not yet present. Carried 11-0.

**NO PUBLIC COMMENTS**

**GML REVIEWS:**

**1. TT 2023-6, Zoning Amendment, Town of Tyre**

This application was submitted for the Town of Tyre and forwarded for County review because it will impact the entire town. Harriet Haynes presented the GML report for the Seneca County Planning Department. Ms. Haynes advised that the Town of Tyre is updating their laws for consistency (in verbiage). William Dalrymple asked how this falls in line with Ag and Markets, Ms. Haynes responded that the local towns have control over that, and that they can set limits, which may be why there is a limit set to the number of dogs in the law (which was a question posed in the presentation). John Swanson moved, and Kate-Lynn Woodhouse seconded the adoption of resolution 62-23, recommending that Local Law #6 be adopted. No abstentions. Sue Sauvageau not yet present. Carried 11-0.

**2. TW 25-1-01, Site Plan Review & Area Variance, Beast Mode, LLC.**

This application was submitted to the Town of Waterloo and forwarded for County review because it is within 500 feet of County Road 110. Jason Rearick presented the GML report for the Seneca County Planning Department. Mr. Rearick expressed concerns regarding the setbacks and distance of the building from the road, as it appears they may have mis-measured. Concerns were also expressed as they relate to the sign location, lighting, and size. John Swanson stated that there was a fair amount of precedent for signs being placed on tractor trailers and that it can't be controlled, Mr. Rearick advised that the concerns arise as this is anticipated to be stationary. Janet Lynch asked about housing in the neighborhood and concerns of the lighting from the sign for them, Mr. Rearick advised that there is one house, but otherwise more commercially used properties. Mr. Swanson reiterated that he wasn't arguing that this is good, desirable, or not a distraction, but there seems to be precedent otherwise and questioning our authority to sanction that. Mark Lott asked about the power source, if it would have a power cord or generator running, Mr. Rearick stated that it was not included in the information. Charles Brady recollected the large LED sign in Seneca Falls on Routes 5&20 that was up for review previously. Kyle Black

mentioned this same sign in Seneca Falls, asking why this sign was included in the application asking why we would offer commentary on the sign, instead of leaving up to local determination. Charles Brady moved, and Sue Sauvageau seconded the adoption of resolution 63-23, recommending that the adoption of the proposed Site Plan Review and Area Variance specifically for the mini storage building be approved, conditional upon the building Area Variance be left to local determination or the Town making sure that the proposed mini storage building is located within all required setbacks, and that the sign permit and Area Variance for the mobile sign be denied for issues relating to safety due to the brightness and size of the sign in such a location near the road that also represents a change in the neighborhood character. These issues combined will likely all contribute towards causing distracted driving along the road, heightening the likelihood of a crash. No abstentions. Carried 11-1.

**3. TSF 01-1-03, Site Plan Review, Aveco Industries**

This application was submitted to the Town of Seneca Falls and forwarded for County review because it is within 500 feet of State Route 5 & US Route 20 and Agriculture District #6. Jason Rearick presented the GML report for the Seneca County Planning Department. Mr. Rearick highlighted a difference in what the company does and what the area is zoned to allow in that district, which would require a further Use Variance. There was also mention of a concern about the intention of putting in a drive-in coffee shop, as this would require adjustments to the entry and exit specifications of the property. Mr. Rearick continued to mention a final concern relating to the sewer line and the necessity to hook into it or obtain proper approvals as they relate to the sizing of the septic system for intended purposes of the property. It was asked what the additional white building/vehicles are in the image, Mr. Rearick stated he believes these were RVs for RV Sales from a former owner; they are not permanent structures. Karen Thomson advised that she has already seen the property owner clear out space on the property and paved portions of it. Kyle Black moved, and Kate-Lynn Woodhouse seconded the adoption of resolution 64-23 recommending that the adoption of the proposed Site Plan Review, Use Variance, and Special Conditions be approved conditional upon the applicant: 1- adhering to the Special Conditions for Drive-In Eating and Drinking Establishments laid out in §300-53, specifically addressing vehicular circulation; 2- connecting to the Town's sewer line as required under Town Code §230 and County Local Law 3 of 2019 OR if the local sewer line does not come within 100 feet of the property line, then obtaining the proper approvals from the Department of Health for the proper sizing of the septic system for the added uses; and 3- obtaining the proper approvals from NYSDOT. Frank Ruzicka and Kathy Lutz abstained. Carried 9-1.

**4. TSF 36-1-34, Area Variance, Phuoc Pham**

This application was submitted to the Town of Seneca Falls and forwarded for County review because it is within 500 feet of County Road 116 (East Bayard Street Ext.). Harriet Haynes presented the GML report for the Seneca County Planning Department. Ms. Haynes advised that we were unsure on specific measurements of car port or how far from the existing garage, as well as no details of building materials. Concerns were made regarding the neighbor's possible concerns with distance to property, Ms. Haynes advised that the neighbor could bring those to the Town's public hearing on this. Charles Brady moved, and Mark Lott seconded the adoption of resolution 65-23, recommending that this request be granted conditional upon meeting the setback and material requirements of the NYS Fire Prevention and Building Code. No abstentions. Carried 12-0.

**5. TSF 33-1-4.1,6.112,67, Site Plan Review & Area Variance, Sonbyrne Sales, Inc.**

This application was submitted to the Town of Seneca Falls and forwarded for County review because it is within 500 feet of Routes 5&20 and 414. Harriet Haynes presented the GML report for the Seneca County Planning Department. Ms. Haynes expressed concerns as they relate to the history of the property, as the property previously had a Pizza Hut as well as another restaurant next door that both had issues with cracks in the floor, as the Canal had a significant amount of wetland with it, and it was filled with soil without having a proper soil stability analysis done. The proposed construction would place the Byrne Dairy convenience store building completely over the previous wetlands and would include underground tanks elsewhere on the property for the fuel. Karen Thomson inquired as to the extra work that was done

on the property since Pizza Hut closed, Ms. Haynes confirmed that work was done with extra stone being filled into the property, but that there is no known study having been done to provide insight into what the current soil compaction stability is. Frank Ruzicka confirmed that Byrne Dairy has given a concept review to the Town of Seneca Falls regarding this concern. Ms. Haynes advised that the property will also need a Special Use Permit in addition to the requested action as well as an Area Variance for the main standing sign for the property. Ms. Thomson asked if they had electric vehicle charging stations, Ms. Haynes advised that it was additional parking available. William Dalrymple asked about the south property line if it was the edge of the canal, Ms. Haynes stated that the south property line was close to the crest of the slope, not the canal. Kyle Black asked if Sonbyrne owns the property, Ms. Haynes advised that they do not currently own the property but will be looking to own it once they receive the necessary approvals to proceed with the project. Mr. Black asked if they will be closing the one in Seneca Falls, Mr. Ruzicka stated that the owner does not plan to close it but instead plans to remodel the one in Seneca Falls. Sue Sauvageau stated that Seneca County has a huge amount of gas stations per population and per need, and believes that some may be closing, as they are overbuilt and not maintaining sufficient business; not the business of the Planning Board but wanted to voice the concern. There was a comment that the underground tanks seem to be placed on the more stable portions of the property, so there shouldn't be a concern with those. Kate-Lynn Woodhouse voiced concerns regarding the dangers with regard to liability and insurance for the property; the insurance adjusters may find concerns with this property with tanks sitting that close to the canal; but again, understands that this is not a concern of the County or County Planning Board. Ms. Haynes advised that she contacted the Codes office and was advised that the stability of the site has been such an issue that it needs to be addressed at the very front of the project development. Charles Brady moved, and Karen Thomson seconded the adoption of resolution 66-23, recommending that the request be granted conditional upon evidence in the form of pre-engineering studies demonstrating that the soil stability and compact of appropriate for the proposed development. Frank Ruzicka and Kathy Lutz abstained. Carried 10-0.

**6. TSF 38-1-12, Special Use Permit, Jonathan Huang**

This application was submitted to the Town of Seneca Falls and forwarded for County review because it is within 500 feet of County Road 119 (Lower Lake Road). Harriet Haynes presented the GML report for the Seneca County Planning Department. Ms. Haynes advised that the applicant wants to build a shed near the lake, but there was no indication on the map or other paperwork as to where the shed is planned to be built. Ultimately, there is no concern as it relates to County planning purposes, but nothing to address the location of the shed being reported, leading to the varied recommendation. Discussion and suggestions of locations of the shed were suggested, but no consensus as to where it may be. Kate-Lynn Woodhouse moved, and Sue Sauvageau seconded the adoption of resolution 67-23, recommending that the request be granted, conditional upon meeting all lot line setbacks. Frank Ruzicka and Kathy Lutz abstained. Carried 10-0.

**NO OLD BUSINESS**

**NEW BUSINESS:** Harriet discussed the Agricultural District 12 being open at this time. John Swanson noticed part of the National Forest is in the Agricultural District, Ms. Haynes stated she can proceed with removing it from the District.

**ADJOURNMENT: 8:20 PM, motioned by John Swanson.**

Respectfully submitted,

Caitlin Ryan,  
Secretary