

Romulus Town Planning Board

January 6, 2014

Tom Bouchard  
Bill Karlsen  
Cindy Meckley  
Mary Joslyn  
Sue Ellen Balluff  
Al Nivison  
Kate Sinicropi

Visitors:

Sue Johnson  
Tracy Wech  
Marjorie Hall  
Tim & Sally Eller  
Howard Hall  
Julia & David Gehring  
Anne Snedaker  
Lynn Snedaker  
Scott Chatfield, Esq.  
Patrick Morrell, Esq.

Pledge of Allegiance  
Moment of Silence

Minutes from Dec. 2<sup>nd</sup> 2013 meeting were corrected on page 2, Jim Williams is Williamson.

Motion to accept the corrected minutes by Al Nivison, seconded by Cindy Meckley. Minutes approved unanimously.

**Sned-Acres Public Hearing**

The Public Hearing on the Lynn Snedaker request to expand his campground was opened by Tom Bouchard at 7:18pm. The most recent map drawing is here for viewing.

Tom stated that the Board was open for public comments. Please give your name prior to speaking, for the record.

Comments:

Sue Johnson, Tracy Wech, of 6547 S. Cayuga Lake Rd. I have the same concerns as other neighbors regarding the environmental concerns. The expansion will be in my front yard. They could look in our windows. It will significantly impact the property value of our home. I have had two Real Estate people looking at our house and they agree it will significantly impact the value of our home. Lilacs and forsythia will not protect us from the campers.

My family started the campground and sold it. It breaks my heart. We see the well and the stakes. They will have to put a well house over the well. Tracy, my sister is my biggest concern; her welfare.

David Gehring of Blue Heron Point. My main concern is the effect of waste water and septic. As the revised plans were received today by Tom Scoles at the Health Deptmt., I recommend this action be tabled until the review can be received from Tom Scoles.

Margorie Hall of Blue Heron Point. I reference the received letter from the Millimans, as I believe they researched it very carefully. They pointed out the changes in the zoning to accommodate the Snedakers. All that they said is very pertinent and very worthwhile. (see attached 3 pages)

Julie Gehring of Blue Heron Point. I am speaking for Larry Yehle, who is not able to be here tonight. Julie read Larry's letter to the Planning Board members. (see attached letter).

Tim Eller of Blue Heron Point. I want to reinforce the points in the letter from Nancy Milliman. It articulates better than all of us are able to, the issues. It summarizes what we all think.

Scott Chatfield, attorney, on behalf of the applicant, I am here to answer questions that the board may have and to summarize the process. We have been at this for a year. The board went through the long form assessment form. and received only one letter, 11/21/13, back from DEC and that the DEC had no problems with lead agency status of the Planning Board. The SPDES(State Pollutant Discharge Elimination System) form has been obtained. It will be completed once we approve the Special Use Permit. SPDES permit is issued by the DEC. It can be a condition of issuance of a Special Use permit. This use is permissible in this area if the applicant can show compliance. The determination, once issued is compatible with the area. Plans are in compliance with Planning Bd. requirements and we request approval of the application.

Tom asked Mr. Snedaker, is there a laundry in the expansion? Response: Yes, there are two washers and two dryers. It is in addition to the one that exists.

Tom raised the issue of the screening.

Mr. Morrell, Planning Board attorney, interjected that you, Tom, can take public comment at any time.

Ann Snedaker of Sned-Acres. I have listened to the comments and complaints and the facts are not true. Letters have stated that the expansion doubles the capacity. It does not. 46 more sites are to be added. 6 are tent sites. 6 are moveable cabins. The highest possible number of RV sites is 62, 28 on the current side and 34 on the expansion side. We would convert 6 sites on the current side to seasonals, leaving a total of 56 versus the 134 RV sites assumed.

Traffic would be intermittent. We predict a max of 350 persons and that would be the maximum with the added expansion. We were accused of an exorbitant number of campfires. 28 is the highest possible number of campfires.

In the 10 seasons we have not had to call the police at any time. We keep an eye out for campers using adjacent property. The reason for the expansion is to keep our heads above water. In 2005, we made only \$1,000. We want to have the season all year to in order to make a living.

The improved quality of camping is our goal. The new store replaces the old store so it is not new. The apartment is for employees who work for us.

Mr. Chatfield interjected that the purpose of the hearing is now to answer questions the board members may have.

Tom closed the comment portion of the Hearing and opened it up for questions from the board.

Dave Gehring commented that today they have 80 sites and 30 acres of land. They want to add half of that amount on 10 acres of land. My main concern is the formaldehyde they use in the RV system.

Tom reiterated that this has been commented on several times. Tom talked to Butch Carroll today and he indicated that the procedure is to test the content. If deemed as hazardous it is taken to nearest land site, near Buffalo. Tom spoke with Tom Scoles, Seneca Co. Health Deptmt., today and he just received the septic and water plan today. He has not had a chance to go over the information provided and he expects that in a week or two he would have reviewed it. The Ambulance Co. was called and I spoke with them as well as the Romulus Fire Deptmt. I did not talk to Bill Palmer at Ovid Fire Deptmt. This has been before the board for a long time and an ongoing concern. We have taken all of the comments into consideration. Tom reiterated that the board is concerned about water quality issues. The Planning Board is the Good Neighbor Police. We live in the community and have to look at the bigger picture. Does this benefit the community? It is on the scenic highway; are people going to drive by or stop and spend some money. We appreciate the need for screening for the Wech's home. Blue Heron Point is a beautiful place. We have been diligent about considering this more than any other Special Use Permit before the board. We have made extraordinary efforts to abide by the regulations and zoning. Anything requested has come before the Board. It has been over a year in the making.

Sue Ellen asked if the store is competing with the existing store in Ovid? Do you basically have supplies that campers run out of?

Snedaker's **response**: Firewood, Ice, Charcoal, ketchup, mustard, marshmallows, some souvenirs and some local cheese products and camping supplies.

Sue Ellen asked about the issue of what is in the RV tank?

Snedaker's **response**: We sell only formaldehyde free products. The article provided to the board was from 1999. Many communities have outlawed that product. We have no way of knowing who uses it as the Health Deptmt. has to make that determination and that is the DEC purview.

Sue Ellen asked if that would appear in the SPDES if it were there?

Snedaker's **response**; Those issues get addressed to the correct people.

Mr. Chatfield responded that if the Health Deptmt. is not aware we will make them aware.

David Gehring stated that formaldehyde is the most effective product and you can still buy it on the market. You treat formaldehyde not by evaporation. It has to be processed by spraying in air or sand filter aeration.

Tom responded that we share your concern but this is not our jurisdiction. Our task is to decide if this is an allowable land use, we are not engineers.

Al commented that septic tanks get pumped out periodically. We see it by our houses and it is hauled away for processing. Al reiterated that anything that is brought there is tested. If it is not allowed, it is taken away for processing elsewhere.

Mary stated that I have a question for our lawyer. You can barely see it up on the hill. I drove up there and where you live on Heron Point. I understand the environmental concern. We are the Planning Board for the Town. The environmental concern is not our concern. Is this true?

Mr. Morrell, attorney, responded that the way the process is designed is the letters to other agencies, i.e. DEC comments if the system is over a certain size then get a permit from DEC. Other wise plans are approved by the County before you break ground. I do not advise the Planning Board to replace the expertise of the Health Deptmt., but to use their expertise. They did not provide any other comments on this issue. You, the Planning Board, can sit back and wait and rely on their expertise. You, the Planning Board, can go ahead knowing that they are applying their expertise. They have their permit process. If it is a significant concern you can sit back and wait on this specific issue.

Mary asked if the Health Deptmt. issues the permit, can a few people meet with the County to look over the permit and the documents? Do they allow this?

Mr. Morrell responded that the county has their own attorneys. It is not a public process as this process is.

Mr. Chatfield responded that yes, they can see the application, if it is public.

Marjorie Hall asked is this Special Use Permit appropriate, given the area they want to expand to? That is the issue, the over riding issue beyond the septic and waste water.

David Gehring stated that we have not had the possibility to look at the revised plans. We would like that opportunity.

Tom responded that Mr.Scoles, at the Health Deptmt., estimated he would need the next two weeks to review. It will get reviewed.

Tim Eller stated that he wanted to clarify the issue about toxic chemicals. It is the Health Department's responsibility to determine what is acceptable to the county. The residents have delved into this formaldehyde; it is treated by dilution. To us there is very little comfort in this information. I agree that the Co. Health Deptmt. is doing what they are supposed to do. The minimum set of standards is one thing. The resident's knowledge that they have to live with this every day in their drinking water is another.

Tom stated we are not sure that the assumption that it will end up in the drinking water is valid. In 20 years a lot has changed in how we treat the environment. It has improved over the years. Septic systems are more stringent now and the regulations governing them. How old is the oldest septic on the lake? We have no jurisdiction to address these issues.

Dave Hayes, Zoning Enforcement Officer stated that the Planning Board does not tell the Co. Health Deptmt. anything. Our jurisdiction is to say yes it is permitted or no it is not permitted. It is that simple.

Sally Eller asked if there could be a condition about improving the screening if this is approved. The deciduous plants are not adequate for year round.

Dave Hayes responded yes, it is a condition that can be part of the approval.

Bill Karlsen commented that he drove the road many times and had a lot of consideration about your (Wech) property and your view to the east. They have offered the lilac and forsythia but if this is not tall enough, I have planted twelve hundred pine trees. They are now 30 to 40 feet high. You don't want them to obstruct your sunrise but a shorter hedge would block the campers.

Mr. Snedaker stated that my sister is allergic to pine trees. I can not plant pine trees.

Attorney Chatfield stated that we looked at screening the property to the west to be able to screen the view of the campers, but it also screens the view of the lake.

David Gehring commented that he walked up Rte 89 after the rain and he estimates 30 to 35 gallons a minute flowing off the campground property to the ravine.

Julie Gehring stated that the major concern is the lack of the septic approval from the Co. Health Deptmt. We should wait and see before a decision is made.

Al stated that we can approve it now and it is still subject to the Health Deptmt.

Sue Ellen stated that you can look at it but it still does not change the land use by the Planning Board.

Tom stated that the Co. Planning Board approval of the application which states that they recommend any approval of the Town Planning Board be conditional upon the Seneca Co. Health Department's review of the sewer and water. We can approve, deny, or approve with conditions.

Sue Ellen asked about the screening issue. To have it screened to passing traffic does not make sense as you can not see it when driving by. All those who live on Rte 89 have their own screening already due to their trees.

Mr. Morrell stated that the screened requirement comes directly from the zoning on Special Use Permit.

Mr. Morrell stated that he wanted talk to the Board about where we are. We talked about SEQR. The Board nominated itself as lead agency. We received only one letter, from the DEC. At a prior meeting, the Board reviewed the EAS and found small to moderate impact on the land and the same for impact on water. All other areas of review were small to moderate impact. The same for the impact on population. The Board has undertaken an extensive review. Tonight we can make the determination on the SEQR. A determination of significance, a negative declaration or a conditional negative declaration.

Mr. Chatfield stated that this is a type 1 action (threshold). Is this in the Ag district?

Morrell responded that it is in Ag district 12. A conditional negative declaration is not where we could do the conditions. The options are: negative declaration, yes may result in one or more impacts or a positive impact requiring other actions. When the Board reviewed it they found only small to moderate impact on density of use. The applicant is required to get a SPDES permit. The proposed action will be used in an area where no water and sewer systems exist. That could be a reason for a negative declaration.

Mr. Chatfield stated that we are not going to spend the money to go through the process to have the Health Deptmt. approval. We can not go forward until we have the Special Use Permit. To hold off the fundamental permit request can not continue.

Mr. Morrell stated that the choices and options have been reviewed. Negative or positive declaration.

Tom stated that we need some clarity for the applicant.

Dave Hayes stated that the Board can make its' decision at a regular Board meeting, not a public hearing.

Sue Ellen stated that she was inclined to make a negative declaration. It is not right to keep pending a decision. Many of these things in the letters have been explained. I drove down in the areas and read the past notes for the year. To the best of our knowledge, we have no basis for a positive declaration.

Mr. Morrell stated you need to close the Public Hearing for the Board to take action. Sue Ellen made the **motion to close the Public Hearing. Al seconded the motion. Motion was unanimously carried at 7:45pm.**

Sue Ellen made a **motion of a negative declaration on the SEQR. Motion seconded by Mary.**

### **Neg Declaration Roll Call**

Sue Ellen - yes

Cindy – no

Bill – yes

Al – yes

Mary - yes

Kate - yes

Tom – yes

## **Motion carried.**

Mr. Morrell stated that action for Special Use Permit, the standard is found in Section 10 of zoning. Mr. Chatfield earlier gave background on the Special Use Permit. Pg. 55

The Objectives are:

1. Compatibility – surrounding neighborhood Section 2 – Campground is in rural area and an existing Campground.
2. Vehicular access –the plan was reworked and a DOT study figures indicated minimal increase in traffic. The lot size is more than required and entrances are well up from Rte 89.
3. Circulation and parking – it meets this standard.
4. Landscaping/screening - general landscaping in the west area is where Mr. Snedaker would have to talk to his neighborhood about. The screen would be on the property line given where she is.

Mr. Snedaker stated that she mows some of our property as it is now.

Mr. Morrell stated that it is within the right of the board to impose a condition. It is in your interest to have a dividing line.

Mr. Chatfield stated that a fence would not screen the trailer. A hedge would delineate the property.

Tom asked if a landscaper could work with Snedaker on screening with foliage?

Dave Hayes stated that you can state the foliage can see through year round as a condition. The sewer and water issues you can impose a condition that septic system be approved by the county.

Mr. Morrell said you can approve with conditions; approve, or deny.

Sue Ellen asked can we ask that he come back with a proposal on the screening?

Mr. Morrell responded that it would be better to clarify.

Mr. Chatfield stated that the screening is more difficult; the delineation is easier.

The screening is problematic due to pitch of the land.

Dave Hayes stated that you could put a minimum height; a minimum 4 ft. fence or hedge to delineate the property line.

Mr. Chatfield responded that we have no problem with a condition, but the permit conditional upon her agreement, I have a problem with.

Tom stated that a solid fence or hedge no less than 4 ft. to delineate the property line is the condition. A chain link fence would not be preferred.

Mr. Chatfield said we are not talking about screening, but property delineation just to be clear.

Mr. Morrell stated that the SPDES is a jurisdiction of the DEC, not us. So we do not need to put it in.

Mr. Morrell said a motion to approve the application subject to 1) water and septic approval by Seneca Co. Health Deptmt. and 2) screening along western boundary with a minimum 4 ft. high natural hedge or solid fence to delineate the property line.

**The motion to approve the application subject to 1) water and septic approval by the Seneca Co. Health Deptmt. and 2) screening along the western boundary with a minimum 4 ft. high natural hedge or solid fence to delineate the property line was made by Mary and seconded by Sue Ellen.**

**Special Use Permit Motion**

**Roll Call:**

Sue Ellen – yes

Cindy – yes

Bill - yes

Al- yes

Mary – yes

Tom – yes

Kate – yes.

**Motion carried unanimously.**

Tom thanked the Board for the inordinate amount of time spent on this Special Use Permit.

Tom has a draft letter for Nozzolio and the latest draft for the Special Use permit.

Sue Ellen said it was ok for the letter to go out.

Sue Ellen made a motion for the letter to Nozzolio, signed by Dave Kaiser and Tom to go out. Motion second by Bill. Motion approved unanimously.

Tom said we will look at the draft Special Use Permit form at the next meeting.

Motion to adjourn made by Al and second by Sue Ellen. Motion approved unanimously.

Respectfully submitted,

Kate Sinicropi, Secretary