

Town of Romulus

Planning Board Meeting

May 6, 2013

Tom Bouchard opened the meeting at 7:10pm.

Roll Call:

Tom Bouchard, Chair	present	Bill Karlsen, Vice Chair	present
Cindy Meckley	present	Mary Joslyn	present
Sue Ellen Balluff	present	Al Nivison	present
Kate Sinicropi	present		

Guests: Donna & Jim Andersen	Jim Bromka
John Bradley	Larry Yehle & Candie Yehle
Nancy Milliman	Sally Eller & Tim Eller
Julie & Dave Gehring	Mahlon Perkins, esq. o/b/o Andy Herrala
Lynn & Anne Snedaker	Scott F. Chatfield, esq.
Pat Morrell	Mary Anne Kowalski

Minutes from the April 1st meeting including the Public Hearing on Snedaker Campgrounds were reviewed. Motion by Al Nivison, a 2<sup>nd</sup> by Sue Ellen Balluff. Minutes were unanimously approved.

Draft minutes from the 2<sup>nd</sup> Public Hearing April 22<sup>nd</sup>, 2013. Please email Kate Sinicropi with corrections as they are quite long. Corrections were: change "Public comment was closed for the evening." To "The hearing will be reconvened."

There are two petitioners tonite. Mary Anne Kowalski and Larry Yehle.

MaryAnne Kowalski – I have several issues for the board. I live at Lakeshore Landing residential area. Our current zoning allows for one licensed, one unlicensed unregistered vehicle can remain on the property. I do not think this is right, the unlicensed vehicle should be in a garage.

The 2<sup>nd</sup> issue is the sidewalks. Our property goes to the road and we are in a no man's zone due to the town not wanting to be responsible for the sidewalks.

The 3<sup>rd</sup> issue is the rezoning at the Depot. The President of Seneca Lake Pure Waters Assoc. is concerned about the water quality of Seneca Lake. When the Depot closed there was concern about heavy metal runoff. Another issue is the state designated wet lands; 2800 acres of wetland. In 2008, the DEC designated 2700 acres as wetlands. We are concerned over where development is going to

go in the acres throughout the depot. In studying the map, I think the majority is in Varick. I know Eastern Ag is looking at the area.

Larry Yehle – I sent a note after the last public mtg. to follow up on the lack of closure of non-conforming use interpretation. My suggestion is a yes or no from the Town counsel.

The second suggestion is a complete set of plans stamped by professional engineers and a full SEQR. I am here to follow up on these issues. I talked to Tom Scoles from Seneca Co. Health department today. He is still waiting for the full plans so he can complete the sanitary plans as well.

Tom Bouchard responded on the issue of whether or not it is a non-conforming use, we are talking to counsel. It is up to the planning board, unless stated otherwise in zoning. Non-conformity definition from zoning read by Tom Bouchard. My understanding is the Campsite was there prior to zoning. Under present zoning it is an allowable use. It does not fall under the definition of our zoning law. It is allowed under permitted useage under our zoning.

Pat Morell – I would like to address the board. It is something to be considered by board and zoning officer. Not necessary to be decided tonight. Other things to be done are the long form SEQR. The counsel for the Snedaker applicant is here at the meeting. It is allowed to continue as a non-conforming use. It is a permitted use if you follow .....(?)

(Tom Bouchard ?)Does the Board need to make a declaration? Ultimately the Board will have to make a declaration but needs the SEQR completed and better information from the applicant.

Sue Ellen Balluff – Have we received a clear plan or not?

Tom Bouchard – My understanding is the applicant is waiting for the Planning Board to proceed in terms of what we require.

Sue Ellen Balluff – Under the Special Use Review Standards, Section 3, Article 9 Pg. 56 in Town of Romulus Zoning, Sue Ellen read guidelines for Special Use Permit. It states specifics. We need to know where the well is, the campsites, the elevation which is 8% for campsites. We do not have specific information on the cabins, etc. It is pretty general what we have. We need specifics in order to make an informed decision. There is no question that the Snedakers have made significant improvements to the property. What we have in the map is not acceptable in my mind. Also we need the full SEQR. Are we ready for the motion to be on the table?

Tom Bouchard – Could you respond to this? (directing his question to Mr. Chatfield, attorney for Mr. Snedaker)

Scott Chatfield – I am a land use attorney out of Marietta, NY. I have been listening to the board's comments etc. I understand that the Public Hearing was commenced and continued. It is my understanding that it will be continued in the future. An application was submitted at the request of the zoning officer. The north side requires a Special Use permit but the rest is OK. A short form SEQR was submitted. Did the board review and request the long form SEQR? How did this arise?

Sue Ellen Balluff – It came up for different reasons. The area is also zoned agricultural and for that a long form is preferred.

Scott Chatfield – Is it under Ag & Markets? Is it in an Ag district?

Mr. Morell - Type 1 mandates a long form; a Type 2 is a discretionary or an unlisted action. We did not take a step by step review of the short form however it ties into the state of the application itself.

Scott Chatfield – We have no problem with providing a long form.

Tom Bouchard - After two public hearings and the concerns for the environment, the close proximity to the lake, we wanted to make sure that all the concerns were addressed and requested the long form.

Scott Chatfield– Have you sent a letter as the lead agency to other agencies?

Tom Bouchard – No we have not done so yet.

Scott Chatfield – Are those sent out administratively or routinely sent out?

Tom Bouchard – The Board would be designated as the lead agency.

Scott Chatfield – Please send out the letters to the other agencies and identify yourselves as the lead agency, so we could get the information from other agencies before the next Public Hearing. I would like to have a hard copy of the zoning laws and am willing to pay a fee.

Tom Bouchard – We can send a copy to your address. Mary, the Town Clerk has the request for it and the information. She will know what you are talking about.

Scott Chatfield – I believe that the items Sue Ellen identified, the map does address some of the items. What particulars are insufficient? Could we have details. James Dagler PE, dated 3/5/2013 is on the map.

Tom Bouchard - No date on it, no stamp. Not sure which plans you are referring to. Our maps had hand drawings. We were not clear on visual barriers, landscaping.

Sue Ellen Balluff – You can refer to the list I read.

Scott Chatfield – So I should look at the requirements in the zoning? Just want to make sure that there is not anything else I am missing.

Tom Bouchard – Sewers and septic layout are a concern.

Sue Ellen Balluff – The driveways do not show up.

Tom Bouchard - The pedestrian walkways, siting for the Cabins and tent sites. The map is a copy and of poor quality. The entrance is for DOT to deal with.

Tom Bouchard – Is there anything not addressed that was raised at the Public hearing?

Cindy Meckley – Wasn't there something about showers?

Tom Bouchard – The structures are not adequately defined. It was sketchy as far as we could tell.

Bill Karlsen – The description of the barrier on the west line?

Mr. Snedaker – The issue is if we put it up there it blocks her view.

Scott Chatfield – The screening to the property on the west is an issue.

Tom Bouchard – How about the screening from the north ?

Mr. Snedaker – We have addressed it.

Tom Bouchard – The property on the corner, the Herrela property?

Scott Chatfield – There is no construction within 200 feet of that.

Tom Bouchard – On the east side, the corner lot.

Scott Chatfield – When we come back with a revised plan we will address the proposed screening and barriers, subject to your recommendations.

Tom Bouchard – What is the status of the septic?

Mr. Snedaker – The plans are with the engineer and the County has it but not finished yet.

Mary Joslyn – Who is the authority on the environment?

Tom Bouchard – The County Health Deptmt. is responsible.

Mary Joslyn – Who do they call?

Sue Ellen Balluff – The DEC can comes out.

Scott Chatfield – There are a number of other regulatory agencies who are involved in the process. Each one tailored to address specific areas. Part of the coordinated approach means that DEC will be notified.

Tom Bouchard - We will include the DEC in the long form notification. We are concerned with implications for the environment.

Scott Chatfield – On the issue of the non-conforming use explanation. I listened and concur with your counsel. This is not a non-conforming use. It comes from an old case which would otherwise prohibit the use. As the court of appeals has said; the use is permitted subject to the Special Use permit and requirements. The south side is non-compliant to your zoning. If we were to be expanding the south side an application would be required as it relates to the south side. A parcel for purposes of zoning is defined by the lot lien. This property consists of 2 lots; one on the South side and one on the North side. The setback is measured from center of road. We are not proposing anything on the south side, only on the north side.

Tom Bouchard – That is why we are so particular about it.

Scott Chatfield – By determining premissable use, with Special Use permit, the south side does not require Special Use permit. If we chose to expand on the south side we would require a Special Use permit.

Scott Chatfield – I am confident that we can get you the documents shortly.

Tom Bouchard – Our next meeting is June 3<sup>rd</sup>.

Scott Chatfield – I request that we continue the Public Hearing at the next meeting in anticipation that we will receive the appropriate documents.

Mr. Morell – The long form requires a 30 day lead time. We require 10 days to advertise for the next Public Hearing.

Scott Chatfield – Per the Public Hearing you did not close the meeting. You need the documents to take action.

Tom Bouchard – We have enough lead time to publish.

Mr. Morell – We want to notify everybody as they would if was a new Public Hearing.

Mary Joslyn – As far as scheduling the next Public Hearing we need to not drag out the process. We need to know we are going to have the information.

Mr. Morell – I am concerned that we may not have the documents we need. The long form particularly and the involved agencies given the time frame to object and have any comments on application. The other agencies have 30 days. Typically it generates comments.

Al Nivison – It is possible that we will not be ready at the June meeting.

Mary Joslyn – The public is welcome at any of our meetings.

Tom Bouchard – Al is right, it is difficult to assume we will see the documents at the June meeting and be able to make a decision.

Mr. Morell – I am hesitant to publish a date and not have all the documents to make a decision. The DOT, Co. Health Deptmt, DeC etc. are notified. We want those comments.

Scott Chatfield – This is a seasonal activity. We have construction and a consumer season to worry about. Assuming that all documents are received, do you administratively proceed to a hearing. Does the Board need to establish a meeting date or can the Town Clerk do it.?

Tom Bouchard – The Board gets together.

Scott Chatfield – The construction season is shot and camp season affected.

Tom Bouchard – We learned about this last fall, with all due respect. The application was made 3/5/2013. We had not received the written application until after the March Bd. Meeting.

Scott Chatfield – Is it possible to hold a special meeting rather than wait for a Bd. Meeting?

David Gehring – They are all volunteers.

Larry Yehle – It is not just the engineering drawings. The 5 or 6 maps provided were from vintage time. Site plans are inconsistent with the septic plans.

Tom Bouchard – Mr. Chatfield will provide these.

Scott Chatfield – The Board function is to make decisions, not neighbors. This issue is about compliance with the law.

Sue Ellen Balluff – This is about the public, therefore a public hearing.

Scott – The information coming in is an adversarial aspect. An applicant is seeking an Action, that is why we are here. It is our obligation to provide what is needed. I do not intent to satisfy each and every neighbor, I intend to satisfy the law.

Tom Bpouchard – The public matters and they have informed us. Some of this has gone into the consideration of it. We are concerned with the welfare of the whole and balance in the final decision.

Scott Chatfield – That is Appropriate. I do not have the same knowledge of this area. There is a serious potential of standing. This is an isolated parcel. The ability to force or change is serious.

Cindy Meckley – At the June meeting we could decide to hold a Public Hearing before the July meeting.

Scott Chatfield – We will provide the information as judiciously as we can.

Tom Bouchard – We are not going to be forced into a box to get this done. We are going to do it once we have all the information. Our scope is clear and limited.

Sue Ellen Balluff – In the SEQR there is four plus four(six) What does that mean?

Scott Chatfield – We will clarify.

Sue Ellen Balluff – For short term cabin stay, what is that?

Scott Chatfield – It will be insulated with propane. It is not long term.

Mr. Morell – I suggest a motion to require the long form environmental assessment form. Secondly I suggest a motion for the lead agency.

**Sue Ellen Balluff – I make a motion that we require the long form SEQR from Mr. Snedaker for his Camp ground. Seconded by Al Nivison. Unanimously adopted.**

**Al Nivison made a motion to have the planning board be the lead agency. Second by Bill Karlsten. Motion carried unanimously.**

### **Future Depot Plans**

Consideration of future depot plans was the topic of a meeting April 18<sup>th</sup> with some representatives from Varick and some representatives from Romulus Town Planning Boards, respectively. Tom reported on the speculation on scope of zoning. The Army is out in 2015 and there was an article in Finger Lakes Times indentifying the Seneca County IDA. It goes back to the comprehensive plan for the Town of Romulus and ties into this.

Mary Ann Kowalski – You had emailed when Western Ag went in and Harriet said it was Ag/ industrial. You have another meeting MAY 30<sup>TH</sup> with Varick.

Tom Bouchard–They are not public meetings, there is no quorum to constitute such. There is no brainstorming. There are differences in what we have and what Varick has presently in our zoning. Their zoning is different than ours.

BillKarlsten – We started this because what ever business wants to expand, it hinders us and them if we do not work with Varick. So rather than Varick allow or disallow something that we allow, we can work in parallel. We can't have a company go in with two sets of rules.

Tom Bouchard – We are looking at what our zoning regulations are and what theirs are to identify any road blocks etc. We have a great opportunity here. Does it get auctioned off, turned back to towns from IDA? There is a lot in the air. We have been in favor of opening Co. Road 125 in the Depot. for emergency response, school buses. etc.

Mary Anne Kowalski – Where is it?

Tom Bouchard – Rte 135 starts at the viaduct and goes through to Romulus.

Mary Anne Kowalski – The Depot Use study was done by the former DEC. We should be aware of it. The 2006 one, not the 2005 plan.

Tom Bouchard – We very much appreciate that information. To be clear we definitely are opposed to debris transfer and dump for the Depot.

John Bradley – I was involved in MacDill Air Base and Homestead reuse of base closings. Communities were involved and lots of planning was done but it did not happen as base stayed open. On this small a scale is it possible to prevent the two communities from developing a special development district? There is no lake shore/residential. Anything to stop the two communities? Or the county can do it; could move forward with that.

Tom Bouchard – IDA is supportive of our coordination.

John Bradley – Communities working together have a leg up when you have two.

Mary Anne Kowalski– You should look at the development plans of Griffiths Air Force base.

Al Nivison – The Army has to clean up and will be out of there in two years.

Tom Bouchard & Sue Ellen Balluff – One area is no man's land due to toxicity of the soil.

John Bradley –It has rail and possibilities as a result.

Sue Ellen Balluff – The rail runs through lakeshore property and that is a problem!

Tom Bouchard – It has potential but there are lots of things to consider. We are in the early stages of discussion.

Al Nivison – The two towns are working together.

John Bradley – We could create a local development corporation.

### **Other Business**

Farmland Protection Plan – Tom Bouchard reported a student, Rachel Borowski, from the School of Forestry called us and is interested in our plan. Hopefully she can get involved and we can get something done.

Spring Training – We will all meet here everyone is approved. Leave 7:30am  
Tom willing to drive and Al willing to drive. Cindy to drive herself.

Dumpster Days – Dates in newsletter..

Mulch give away at Seneca Meadows May 18<sup>th</sup>. Willard Tour same day.

Sue Ellen Balluff –Under new business, there is a burned out building on 96 A , the one with trailer next to it. Can we ask Dave Hayes to do something?

Bill Karlsen – I know the guy and spoke to him in October. It is a two story home and the tin roof is standing up 200 feet from the road. It is dangerous. It has been there three years now. Tom to call Dave.

Mike Joslyn – There was an article on solar farm recently. Law enforcement putting in at co. jail. Any involvement?

It Tom – Nothing, it is owned by the county. Read the newsletter on new businesses.

Sue Ellen Balluff - Trader s Village is for sale.

Tom Bouchard reported that Mary got a letter regarding the building we approved for Toro Run . Dave Hayes said there are no new buildings. This woman has been away for awhile and questioned it.

### **Old Business**

Tom Bouchard talked to Susan Squires at Willard, Dep. Superintendent. In August of 2007, Comm. Fisher had agreed to consider a lease for Lakeshore property. He has since retired. She suggested that Tom write to her about our current intentions. At this point we want to clean it up and mulch it; put picnic tables up. She said that should not be too difficult.

Sue Ellen Balluff – Suggested calling it something else rather than ampitheatre as people think of it as something else.

Al Nivison – We would like to clean it up so people can use it for a picnic place for kids to go.

Motion to adjourn by Sue Ellen Balluff. Seconded by Al Nivison. Unanimously approved at 8:47pm.

Respectfully Submitted,

Kathleen R. Sinicropi