

Town of Romulus Planning Board

November 18, 2019

Romulus Town Hall, Willard, N.Y.

Call to Order

Roll Call

Sue Ellen Balluff, Chair

Tom Bouchard

Al Nivison

Mary Joslyn – excused

Bill Karlsen

Cindy Meckley

Kate Sinicropi

Pat Morrell, Town Attorney

Guests: see attached

Pledge of Allegiance/Moment of Silence

Approval of Minutes

Corrections: Change Kate and Cindy to excused. Tom made the motion to approve the October 7th, 2019 minutes with corrections. Motion seconded by Bill. Motion carried unanimously.

Public Hearing

Barton Van Riper Subdivision application Tom made a motion to open the Public Hearing. Bill seconded the motion. Motion carried unanimously. Request for public comment made by Sue Ellen. No public comment made. Al made motion to close the Public Hearing. Bill seconded. Motion carried unanimously. Public Hearing closed.

Daniel and Michelle Schrader Subdivision application Motion by Bill to open the Public Hearing. Seconded by Al. Motion carried unanimously. Total of 20.7 acres to be divided into Parcel A 1.4 acres and Parcel B 19.3 acres. The intent is to separate the house and backyard from the farmland. Concern raised about boundary being incorrect. Map viewed by public and planning board members. 19.3 acres to remain agricultural. No flags placed on land by land surveyor per Mr. Schrader. Tom made motion to close the public hearing. Second by Al. Motion carried unanimously.

New Business

Depot zoning changes request from Mr. Stoltzfus. A Memo of Understanding between Deer Haven Park and Depot Land Holdings was provided to the Planning Board, along with a Map. The map provided does not identify tax ID numbers, as it is one big parcel. Mr. Aronson noted that there is just one tax ID number for everything south of Co. Rd. 135. Once the deed is conveyed to Depot Land Holdings, LLC, new tax ID numbers will be issued. Dave Hayes asked if the survey of the area to be divided off, would this be something they could do? Discussion. Our attorney clarified that we need an application with exact boundaries. We can not do the rezoning without seeing what is in the subdivision. Mr. Stoltzfus reported that Mr. Karlsen, Surveyor, stated that he did not know why we could not act off the presented map. Sue Ellen reiterated that we need a map with boundaries and identifiable roads; a map that delineates and names boundaries. We need a new map. Aronson said there is a survey of the Romulus parcel. Sue Ellen said the area is zoned but a small square inch is WITE which makes no sense. Sue Ellen explained that Mr. Stoltzfus could obtain the Application for the Subdivision from the Town office. She asked will it be subdivided all at one time or into 25 parcels. The Planning Board referred him to Pat Morrell, Town Attorney for assistance. The Depot Land Holdings, LLC need to be divided up individually. Earl Martin has subdivided off his 75 acres. There are 3,000 acres that Depot Land Holdings, LLC want to subdivide. This is a major subdivision. A question regarding a Rural subdivision was raised. Pat Morrell, Town Attorney, clarified that a Rural subdivision has a limit on 2 per year. We, the Town have our own regulations; the State has different regulations. Our regulations are much tighter. Mr. Stoltzfus stated that these are not buildings, they are lots. Tom explained the process. Sue Ellen can make a copy of the Subdivision ordinance and Mr. Stoltzfus can pick it up from Mary at the Town office.

Planning Board openings and Planning Board Alternates

Sue Ellen reported that Mary Joslyn will not continue beyond Dec. 31st, 2019 on the Planning Board. If you know of anyone who may be interested, please let us know. Solicitation should be put on the Town website per Pat. Mary will submit a resignation letter. We also need an alternate.

Van Riper Minor Subdivision Sue Ellen recused herself and turned the meeting over to Bill Karlsen. A recommendation from the Seneca County Planning Board is that Parcel B be attached to the adjoining property on the survey map. This is zoned Lakeshore Residential.

Pat Morrell explained that we needed a Super majority to be the Lead Agency for SEQR. That would be five members. A Resolution that the Planning Board be the Lead Agency for the SEQR was made a motion by Tom and seconded by Al. Motion carried unanimously.

SEQR Review: 1. This is creating a substandard lot per Pat Morrell, Town Attorney. The proposed action creates a material conflict with an adopted land use plan.

Moderate to large impact may occur. 2. No 3. No 4. No 5. No 6. No 7. No 8. No 9. No 10. No 11. No. **Part 3.** Determination of Significance is the Moderate to Large Impact in #1. Impact is creating material conflict with an adopted land use plan or zoning regulation. Applicant intends to transfer the property to the neighbor which addresses the impact. The Planning Board will condition their approval upon the applicant transferring the subdivided parcel, parcel B, to the neighboring landowner to be combined with their existing parcel.

Motion to check second box. Motion made by Al, seconded by Tom. Motion based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Roll Call Vote: Tom yes; Cindy yes; Al yes; Kate yes; Bill yes; Sue Ellen yes. Motion carried unanimously.

Minor Subdivision Application: Motion by Tom to approve the minor subdivision application with the condition that Parcel B be joined with the neighboring parcel. Seconded by Al. Motion carried unanimously.

Bill turned the meeting over to Sue Ellen.

Daniel & Michele Schrader Minor Subdivision The Seneca County Planning Board recommended approval but questioned whether an area variance is needed regarding the road frontage of the rear property. On Seneca St. he is retaining a parcel A that has 1.4 acres and 100.3 feet of road frontage. There is no requirement for an area variance. Parcel B is 19.3 acres and will continue to be used as agricultural land. Zoning is Hamlet Residential. Discussion. He may need to have a Special Use Permit in Hamlet Residential. Mr. Schrader stated he is in an Ag district. Pat Morrell, Town Attorney clarified that one does not override the other. They are two different issues.

Motion that the Planning Bd. be designated as the Lead Agency for SEQR by Tom and seconded by Bill. Motion carried unanimously.

SEQR Review

SEQR 1. No 2. No 3. No 4. No 5. No 6. No 7. No 8. No 9. No 10. No 11. No.

Part 3. Determination of Significance. No moderate to large impacts.

Motion to Check Second Box.

Based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. Motion made by Al and seconded by Tom. Motion carried unanimously.

Schrader Minor Subdivision application Motion to approve the Schrader Minor Subdivision by Bill and seconded by Al. Motion carried unanimously. Sue Ellen needs an updated map from Mr. Schrader.

Seneca Dairy Systems LLC Special Use Permit application

Sue Ellen received several letters regarding this application. Most were in support, with some asking to take special care in reviewing and acting on the application. Town Clerk has these letters for public review. Sue Ellen summarized the documents and the history of the application. The Seneca County Planning Board recommended a parking plan, which we have received. Bob Aronson, Mr. Martin are here to answer any questions. The Storm Water study is not completed.

Frank Armento, Fisher Associates explained that the storm water study will be part of the storm water plan. Fisher Associates would like to see a draft storm water plan that would meet the state DEC requirements.

Mr. Armento noted the Site plan recommendation asking for a more specific, revised and updated summary of the Special Use Plan analysis. Storm water has changed, the parking plan; etc. A lot of information has been provided. The site plan map was updated and provided Friday with a cover letter. Fisher Associates would like to see the plan updated and pulled together in one document.

Questions: What will the galvanizing plant portion be used for during the first phase? Mr. Martin responded that the galvanizing plant portion will be used for storage of galvanized product. How are the generators powered and where are they located? What is the power source for the plant? Mr. Martin responded that the power source is NYSEG and that natural gas will be used for the generators. He pointed out on the map of the facility where the generators will be.

Pat Morrell, Town Attorney, clarified that the Planning Board can go forward if the board wants to or given the discussion and what was provided at the meeting, approval could be conditioned.

Sue Ellen referenced Article 9 Special Use documents, the documents and the application come in one piece. We can act on what we have or subject to the documents coming together.

Tom acknowledged all the work, and documents that have come in. Having just gotten the resolution tonight, he is not comfortable with acting tonight. He feels that some of the letters and comments that came in from Seneca Lake Guardian and the History of Depot, there are concerns over the environmental impact. There is negative pressure, so fumes are not escaping? Mr. Martin responded that we are doing a negative pressure system within the facility. The South Carolina firm that raised that question may not have had the information that we have negative pressure, so their recommendations may have been different. Mr. Martin explained negative pressure which ensures that no air or fumes escape outside if a door or window is opened.

Frank Armento commented on the draft Resolution in front of the Board. He suggested the language should be updated, specifically the new SPDES General Permit for Stormwater Discharges from Construction (Permit No. GP-0-15-002) or any updated version. (see Page 3, 7c of Resolution)

Sue Ellen commented that she is ready to move forward. Discussion & questions followed.

Bill asked about the acid tanks, given that there are no floor drains. What happens if an overhead crane drops an item and it punctures the tank? Mr. Martin responded that there are no overhead cranes in that area. Each tank has three layers. The first layer is seven feet down.

Tom asked if Mr. Martin had any concerns with agriculture that would affect the galvanization plant. Mr. Martin responded that Mexico is important to the future of the dairy industry. China is having difficulty with pork right now, so there is a future for agriculture with China.

Motion to approve SDS Special USE Permit and Site Plan application with resolution being amended to add onto page 3, item 7C “or any updated version”.
Motion made by AI and seconded by Bill.

Roll Call Vote: Tom yes; Bill yes; Sue Ellen yes; Cindy yes; AI yes; Kate yes; one member absent. Motion is adopted Nov. 18th, 2019.

Agricultural Animals in Hamlets Zoning - chickens running free in Willard, so maybe we can look at in January meeting. To table.

Zoning Clarification Follow-Up

Seneca Co. Planning Board approved the Zoning Amendment recommended changing, “the renewable to clean energy” wording, plus deleting Section 5 regarding Certificate of Occupancy.

Motion to adopt the changes in the language of zoning ordinance, specifically to change “renewable to clean” and remove Section 5, Certificate of Occupancy as the Town of Romulus does not enforce the Unified Bldg. and Fire Code made by Tom. Motion seconded by AI. Motion carried unanimously.

Comprehensive Plan Update Tom reported a meeting tomorrow night. We are making progress on Community Services. The next topic is Land Use. The Dec. meeting, we will identify goals & objectives.

Motion to adjourn made by AI, seconded by Cindy. Motion carried. Adjourned at 9:25 pm.

Respectfully Submitted,

Kate Sinicropi, Acting Secretary

RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF ROMULUS
APPROVING THE APPLICATION OF SENECA DAIRY SYSTEMS
FOR A SPECIAL USE PERMIT AND SITE PLAN

WHEREAS, on July 15, 2019, the Town of Romulus ("Town") Planning Board ("Planning Board") received an application ("Application") from Seneca Dairy Systems LLC ("SDS") for a Special Use Permit ("SUP") and Site Plan review for Phase 1 ("Site Plan") of SDS's proposed redevelopment of approximately 24 acres of a 75-acre parcel located on the Seneca Army Depot ("Depot") and sited at the southwest corner of West Romulus Road and Fayette Road (the "Site") in the Town, in Seneca County, New York to construct and operate a state-of-the-art galvanizing mill and related operations (the "Project").

WHEREAS, the Seneca County Industrial Development Agency, as Lead Agency, has conducted a coordinated review pursuant to part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act ("SEQRA") and issued a Negative Declaration on September 9, 2019; and

WHEREAS, pursuant to 6 NYCRR Part 617.6, the Planning Board was an involved agency duly participating in and bound by the Lead Agency for the coordinated Project review determination under SEQRA; and

WHEREAS, the Applicant submitted extensive materials and information to aid the Planning Board in its consideration of Applicant's request for a SUP and Site Plan for the Project, including but not limited to: (1) SDS's Analysis of Environmental Impacts pursuant to SEQRA dated May 2, 2019 with associated appendices; (2) SDS's supplemental environmental analysis pursuant to SEQRA dated July 9, 2019 with associated exhibits; (3) SDS's Letter of Intent for the Application dated July 15, 2019 and associated exhibits; (4) SDS's second supplemental environmental assessment pursuant to SEQRA with associated exhibits; and (5) SDS's supplemental Letter of Intent for the Application dated November 6, 2019 and associated exhibit; and (6) SDS's second supplemental Letter of Intent for the Application dated November 15, 2019.

WHEREAS, SDS appeared at the Planning Board meetings held on May 6, 2019, May 30, 2019, July 1, 2019, August 5, 2019, September 9, 2019 and October 7, 2019 to discuss the Application; and

WHEREAS, SDS appeared at a public information meeting held on July 11, 2019 to provide further information regarding the Project and to receive additional public input; and

WHEREAS, the Planning Board held a public hearing and gathered public comments regarding the Application on September 16, 2019 ("Public Hearing"); and

WHEREAS, the Planning Board has received and reviewed written public comments from numerous residents; and

WHEREAS, General Municipal Law Section 239-m requires the referral of the application and all supporting documentation to the Seneca County Department of Environment and Planning; and

WHEREAS, the Seneca County Department of Planning issued a recommendation on September 12, 2019 that the Application be approved conditional upon the submission of a parking/circulation plan to the Planning Board; and

WHEREAS, after thorough consideration of the Application and Project documents, the Planning Board has decided to issue a SUP to SDS because SDS has demonstrated that the Project is consistent with Article IX, Sections 1 and 2 of Schedule A: Amended Zoning Ordinance for the Town of Romulus ("Ordinance"), which includes the standards and objectives, including public health, safety, and general welfare, potential environmental impacts, visual impacts, compatibility with the Reuse Plan, vehicular access, circulation and parking, landscaping and screening, natural features, stormwater and drainage, and the comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board makes the following findings and determinations:

Section 1. After due deliberation on the Application and the request for a Special Use Permit for the Project, and after careful consideration of verbal and written comments of community residents, the Planning Board now desires to approve the Special Use Permit. Reasons supporting the Special Use Permit Approval are as follows:

1. Based on the location and the design of the Project, the Project will have minimal or no impacts to public health, safety and the general welfare of the community.
2. The Project is of a character compatible with the surrounding neighborhood, incorporates a site design that preserves the rural character of the town, and is in harmony with the Reuse Plan.
3. The proposed access points are adequate in width, grade, alignment, and visibility; are not excessive in number; are located at appropriate distances from intersections or places of public assembly; and satisfy other similar safety considerations.

4. Adequate off-road parking and loading spaces are provided to eliminate the need for parking of vehicles on public highways by any persons connected with or visiting the site; the interior circulation system is adequate to provide safe accessibility to all required parking spaces; and that adequate separation of pedestrian and vehicular movements is provided.
5. Given the location and design of the Project, all parking, storage, loading, and service areas are reasonably screened at all seasons of the year from the view of adjacent residential areas and the general landscaping of the site is in character with the surrounding areas.
6. The proposed use is compatible with geologic, hydrologic, and soil conditions of the site and of adjacent areas and existing natural and scenic features are preserved to the maximum extent possible.
7. Such Special Use Permit is subject to final engineering approval from Fisher Associates regarding submission of the following:
 - a) Update the Special Use Permit Zoning Analysis previously submitted by Phillips Lytle on behalf of the applicant on July 15, 2019 to show the Special Use provisions of Article IX of the Town of Romulus Amended Zoning Ordinance are being met.
 - b) Submit an updated Site Plan drawing set (previously included in Exhibits C, F, G, H, I and J in July 15, 2019 submittal). Site data table included in the Site Development Plan submitted by Phillips Lytle on behalf of the applicant on November 15, 2019 should be updated to reflect actual project bulk/area numbers (e.g., acres, feet, square feet).
 - c) Submit a draft Storm Water Pollution Prevention Plan that meets the provisions of the SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-0-15-002). *on any undated version*

Section 2. Site Plan approval is hereby issued to SDS to for Phase 1 of the Project subject to Final engineering approval from Fisher Associates.

Section 3. The Town Clerk is hereby authorized and directed to distribute copies of this Resolution to SDS and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 4. This Resolution shall take effect immediately.

Motion by: *Al Viverson*
Seconded by: *Bill Karlson*

	Yea	Nay	Absent	Abstain
Chairperson Sue Ellen Balluff	[<input checked="" type="checkbox"/>]	[]	[]	[]
Member Tom Bouchard	[<input checked="" type="checkbox"/>]	[]	[]	[]
Member Mary Joslyn	[]	[]	[<input checked="" type="checkbox"/>]	[]
Member William Karlsen	[<input checked="" type="checkbox"/>]	[]	[]	[]
Member Cindy Meckley	[<input checked="" type="checkbox"/>]	[]	[]	[]
Member Al Nivison	[<input checked="" type="checkbox"/>]	[]	[]	[]
Member Kate Sinicropi	[<input checked="" type="checkbox"/>]	[]	[]	[]

Motion Carried.

Duly adopted this 18 day of November ____, 2019.