

Town of Romulus Planning Board

Town of Romulus, 1435 Prospect St., Willard, N.Y. 14588

Meeting Minutes of September 21, 2020

Call to Order

Sue Ellen Balluff, Chairperson

Tom Bouchard

Bill Karlsen

Cindy Meckley

Al Nivison

Kate Sinicropi

Dick Bloss

Guests: Janet Lynch,

Michael Karlsen, Kathy Dethier,

James Borchard, Pat Morrell, Esq.

Pledge of Allegiance/Moment of Silence

On page 2, put quotes in as difficult to distinguish the meaning of “they” and “we”. Tom made a motion to approve with correction. Bill seconded. Motion approved unanimously.

Public Hearing Dethier/Borchard Subdivision Al made the motion to open the public hearing. Bill seconded. Motion approved unanimously. Pat Morrell, town attorney, asked the applicants, who were in attendance, to speak about their application. Mr. Borchard explained that initially he and Ms. Dethier wanted to subdivide off the 1.75 acres from Rte 89 to the lake. Individuals have now decided to buy Parcel A and Parcel B. This purchase now resolves the egress/ingress issue. Parcel B is non-conforming, and Parcel A is conforming. Mr. Borchard distributed new maps to the Planning Board members. He stated, “Everything on the map that is colored is one piece.” Sue Ellen summarized that the .25 & .35 & .5 acres added together will be 1.1 acres.; there is now a total of 80 feet of lake front with the additional 10 feet on lake; Parcel A & B are 1.75 and Parcel B is .5 acres for a total of 2.20 acres. Discussion followed. Pat Morrell, town attorney, noted that a written statement dated Sept. 17th by the purchasers of the cottage, Jeff Rokow and Barbara Roesch Rokow, should be considered part of the public hearing (see attached). Discussion followed regarding the net of 80 feet of waterfront and the zoning requirement of 100’ of lakefront. Tom asked if there is pending litigation? Mr. Bromka said, “Yes, but with the sale of the property that issue will be resolved.” Mr. Borchard stated, “We are going to have the property surveyed.” Sue Ellen asked Pat Morrell, town attorney, “As we do not have the official survey in front of us should we be waiting to take action until we see the final survey?” Mr. Morrell noted we could act without the final survey.

Motion to close the Public Hearing made by Cindy and second by Al. Motion approved unanimously.

Mast/Swarey School

Motion to open the Public Hearing made by Tom and seconded by Cindy. Motion approved unanimously. Sue Ellen asked for comments. Dick asked if the County questions had been answered yet? Sue Ellen stated yes. Sue Ellen explained that the zoning officer issued the building permits and then realized that a Special Use Permit was required. A motion to close the Public Hearing was made by Tom and seconded by Cindy. Motion approved unanimously.

Borchard/Dethier Subdivision Sue Ellen clarified that the County Planning Board had reviewed the application and made recommendations. They recommended approval of the application, conditional upon parcels B&A joined, leaving the non-conforming 10 - foot lakefront strip to the Town Planning Board. Pat Morrell noted that if the Planning Board wanted to do anything, we can do a regular vote. If not in line with County Planning Board recommendations, we need a super majority.

Motion to designate Town Planning Board as Lead Agency for SEQR Motion made by Al and seconded by Cindy. Motion unanimously approved.

SEQR

Question #1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No #2. Will the proposed action create a change in the use or intensity of use of land? No #3. Will the proposed action impair the character or quality of the existing community? No #4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? N/A #5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No #6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No #7. Will the proposed action impact existing: a. public/private water supplies? No b. public/private wastewater treatment utilities? No #8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No #9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? No #10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No #11. Will the proposed action create a hazard to environmental resources or human health? No.

Negative Declaration We have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. Negative Declaration motion made by Cindy and seconded by Al. Motion unanimously approved.

Pat Morrell, attorney, stated that we can accept the County recommendation or something other than this. Tom asked if it would be contingent on the survey or not? Tom is concerned that with the non-conforming lakefront without the survey, we are missing some pieces of information. Sue Ellen stated that we can stipulate contingencies in our decision. The Lakefront Property is getting larger than what was originally presented. Non-conforming lots would need an area variance. We can stipulate that Parcel B goes with the lake cottage, in discussion with Pat. Tom reiterated that there were so many different parts to this, we want to make sure we get it right. Tom said, "I have been confused about this." Sue Ellen responded that things kept changing. Pat, the solution involves a third party that makes the whole thing work. If for some reason the sale falls apart, the proposal falls apart. Discussion. The purchase offer has been accepted, contingent on the decisions of the Board. Dick asked, "Can we catch all the contingencies, or should we wait for the survey?" Are there any other contingencies that we should be aware of, to include or should we wait for the survey. Tom noted the time frame, as it will take more than two weeks for the survey.

Sue Ellen clarified the **Contingencies**:

1. Ingress/egress be made for Parcel B and 5753 Rte 89 and 5743 Rte 89.
2. Parcel A sold to the buyer of 5753 Rte 89.
3. Parcel B will be joined on a deed with the cottage known as 5753 Rte 89.
4. The 10' x 90' piece will be added to the cottage known as 5753 Rte 89.
5. The subdivision final approval is contingent upon the sale of the cottage at 5753 Rte 89.
6. The Planning Board receiving a final survey of all parcels involved.

Motion to accept the county recommendations: that the request be approved conditional upon; parcels B&C being attached to adjacent property and made a part of those properties; and further advises that the subdivision of a 10' strip along the north edge parcel 5-1-23 to be transferred to owners of that parcel be left solely to local determination and the aforementioned contingencies 1-6. Motion made by Cindy and seconded by Al. Roll call vote: Sue Ellen yes, Tom – no, Bill - yes, Al - yes, Kate -yes, Dick – yes, Cindy – yes. Vote: 6 yes, 1 no. Motion approved.

New Business

Mike Karlsen here representing Earl Martin. He provided draft maps of the former depot, for our information.

Mast/Swaley School

Sue Ellen recapped the current status. The Schoolhouse is already built. The County gave them approval for water and septic. The County Planning Board recommended

approval. How many children will the school hold? If there is a fire, how do they exit? How are they heating? Cindy asked these questions and stated we had questions for them, and they do not come to the meeting to answer them. Sue Ellen stated that the Schoolhouse is on the farmer's land. Does this require a necessary use variance? A Special Use permit is required for a school in an Ag area. Therefore, they do not need a use variance per Pat Morrell, attorney.

Any reason for us not to approve? Yes, they could be fined, based on our zoning regs. Are we going to approve the use or say no. Dick asked, "What are the risks in approving it?" If a fire, we might feel responsible? Issue: Is this an acceptable use there or is it not?

"The Zoning Officer can write a ticket for a violation.", offered Pat.

Dick asked, "What if a year from now, we get asked about it?" Discussion held.

Motion to designate the Planning Board as lead agency for SEQR Motion made by Tom and second by Dick. Motion unanimously approved.

SEQR

Question #1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No #2. Will the proposed action result in a change in the use or intensity of use of land? No #3. Will the proposed action impair the character or quality of the existing community? No #4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? N/A #5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No #6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No #7. Will the proposed action impact existing: a. public/private water supplies? No b. public/private wastewater treatment utilities? No #8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No #9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? No #10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No #11. Will the proposed action create a hazard to environmental resources or human health? No

Negative Declaration We have determined, 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 for negative declaration made by Dick, and seconded by AI. Motion unanimously approved.

Motion by Tom to approve Special Use Permit for the Mast/Swarey Schoolhouse and seconded by AI. Motion unanimously approved. This issue needs to be addressed now, for the future. Please be advised in the future that Schoolhouse applications must be

received before a Special Use Permit will be issued. Sue Ellen to write letter accordingly.

By-Laws Draft

Tom moved to table until next meeting, Cindy seconded the motion. Motioned unanimously approved. Tom asked about 3.5, 4.2 roll call voting; Page 3, section 4, 4.1. Question by Dick on 4.3.

Comprehensive Plan Tom reported that Mike Joslyn said he was hoping to have it done in the next 3 to 4 weeks. Tom got an Email from Tom Strumf(from Belgium). He put together a Dorothea Dix landscape Park as she was an early advocate for mental health reform at Willard. Tom asked about Reconstituting the Comprehensive Plan Committee and Sue Ellen said that it is with the board, not us.

Sue Ellen can send a note to the Board asking what is going on with several items.

Dick went online for training and he thinks that this could be the same for the Board as it works well.

Next meeting Oct. 5th. Nov. 9th meeting is the second Monday due to elections.

Motion to adjourn by Cindy, seconded by Dick. Motion unanimously approved.

Adjourned 8:55pm

Sincerely,

Kate Sinicropi, Secretary

September 17, 2020

TO: The Romulus Town Planning Board

RE: Proposed subdivision of property located at 5741 Route 89, Romulus, New York

Dear Board Members:

We write this letter in support of the proposed subdivision submitted by James Borchard and Kathryn Dethier for their property listed above. We are in the process of submitting a purchase offer to them this week for Parcels A & B as shown on the map, and we have already submitted a purchase offer for the "cottage parcel" located on the map that is currently owned by the Bromkas. We believe our acquisition of both the cottage parcel and Parcel B will be in the best interests of all concerned, as it will end the access issue to the cottage parcel, by combining the access route and dock with the cottage and placing it under one ownership. This will ultimately end the pending litigation between the Bromkas and Borchard and Dethier as well.

Thank you for your consideration.

Jeff Rokow and Barbara Roesch Rokow
459 South Main Street
Geneva, New York 14456