

Town of Romulus Planning Board

Minutes of February 1, 2021

***Virtual Meeting via Go-To-Meeting***

**Roll Call**

Sue Ellen Balluff, Chair

Tom Bouchard

Dick Bloss

Cindy Meckley

Janet Lynch

Bill Karlsen

Kate Sinicropi

**Guests:** Harriett Haynes; Pat

Morrell, Attorney; Earl Martin;

Kelley & Angela O'Neill; Jim

Borchard & Kathy Dethier; Mike

Karlsen, Surveyer; Mary McDonald

**Pledge Allegiance/Moment of Silence**

**Approval of Minutes** Janet made the motion to approve the January 4, 2021 minutes as presented. Cindy seconded the motion. The motion was unanimously approved.

**Public Hearing O'Neill Subdivision 6965 State Route 89** Sue Ellen opened the Public Hearing at 7:10pm. Angela provided the details of the subdivision application. The O'Neill's are keeping the house and 2 acres on Route 89 and the lake lot. They are selling the land/vineyard of approximately 28 acres. Questions from the last meeting were discussed. There being no public comment, Sue Ellen asked for a motion to close the public hearing. Cindy made a motion to close the public hearing. Tom seconded the motion. Motion carried unanimously. The County Planning Board reviewed, and recommended parcel B-1 be attached to B-2 and given the right of way. Angela stated that the right of way issue had been resolved and extends all the way to Parcel C. Pat Morrell, Town Attorney advised that the right of way be stated in the individual deeds. There were questions raised at our last meeting regarding the flood zone. Pat clarified that all the structures are on top of the bank and not impacted by the flood zone. Discussion on SEQR. Pat clarified that we could determine an Unlisted Action and the board can act alone for this action.

**SEQR Part 2 - #1** Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? Response: No. **#2.** Will the proposed action result in change in the use or intensity of use of the land? Response: No. **#3.** Will the proposed action impair the character or quality of the existing community? Response: No. **#4.** Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? Response: No. **#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? Response: 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? Response: No. #7. Will the proposed action impact existing: a. public/private water supplies? Response: No. b. public/private wastewater treatment utilities? Response: No. #8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? Response: No. #9 Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? Response: No. #10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? Response: No. # 11. Will the proposed action create a hazard to environmental resources or human health? Response: No.

**SEQR Part 3 – Check Box #2** 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.

Cindy made a motion to declare a negative declaration. Dick seconded the motion. Motion carried unanimously. Pat asked, "Is the Right of Way in the deed?" Angela responded, "The Right of Way is in the original property for both the road and NYSEG." Pat reiterated the need to have the Right of Way in the deed to Parcel C. Angela stated that their attorney sent verbiage regarding the Right of Way for all the properties. There was discussion regarding the parcels. Pat recommended to the Board that action be conditional on the Right of Way to Parcel C. Motion made by Tom: Be it resolved that the Romulus Planning Board hereby approves the request of Angela and Kelly O'Neill for a minor subdivision be approved conditionally upon: 1. Parcel B-1 on the survey map being attached to an adjoining property and 2. Parcel C being granted access via the existing right of way that provides access to other adjacent parcels. Motion seconded by Bill. Motion carried unanimously.

### **Old Business**

**Borchard Subdivision** – Sue Ellen reported that there is a new application and a revised map. The change is that the 10 feet added on the lakefront is now 13 feet and that there is now 12 feet clearance between the corner of the barn and the property line. Sue Ellen identified that on the 1/21/2021 map submitted, there is a pole barn in Parcel A with 12 feet of clearance between it and the new property line. The egress for Parcel A circles around the garage to connect to a driveway. Sue Ellen asked if the purchase was moving through the system. Mr. Bouchard stated that he expects to sign the purchase agreement tomorrow. Sue Ellen stated that the County Attorney needs a copy of the purchase agreement. Tom requested that he wanted to understand why this is a subdivision and not an area variance. Sue Ellen clarified that this is a subdivision as the Bouchards own Parcel A and Parcel B and are selling to people buying the little cottage on the lake (Lot #23 Bromka, Troutman & Troutman) The Bouchards are keeping the two parcels (Parcel C) and the house. Therefore, it is a subdivision and not a variance.

The original proposal was a nonconforming lot and this proposal makes it less of a nonconforming lot. The County Planning Board asked if Parcel B can be joined with the cottage. The total lakefront would be 83 feet which makes it nonconforming as our zoning requirement is 100 feet. Pat clarified that any building on the parcel created will be non-conforming as this was a pre-existing non-conforming lot. The subdivision action yields a lot getting closer to conformance with code. Pat stated there was no ZBA action required. Janet made a motion that the Planning Board be the lead agency for SEQR. Motion seconded by Bill. Motion unanimously approved.

**SEQR** - #1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? Response: No. #2. Will the proposed action result in a change in the use or intensity of use of the land? Response: No. #3. Will the proposed action impair the character or quality of the existing community? Response: No. #4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? Response: No. #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? Response: 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? Response: No. #7. Will the proposed action impact existing: a. public/private water supplies? Response: No. b. public/private wastewater treatment utilities? Response: No. #8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? Response: No. #9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? Response: No. #10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? Response: No. #11. Will the proposed action create a hazard to environmental resources or human health? Response: No.

**SEQR Part 3** – Check Box # 2. 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 to declare a negative declaration made by Dick. Motion seconded by Bill. Motion carried unanimously.

A Public Hearing was held Sept. 21, 2020 at our regular meeting. We also did a SEQR at that time and approved the 10 - foot strip of lake frontage be transferred conditioned upon Parcel B and Parcel C. The County Planning Board recommendation for the need for an area variance was over ridden, based on a supra majority vote, based on advice of counsel. Pat stated that we need a new motion, based on a new map and the changes to the subdivision. Bill made the motion that the Sept. 21<sup>st</sup>, 2020 minutes be amended from the 10 feet by 90 feet to 13 feet by 90 feet. This motion was seconded by Dick. Roll Call vote: Sue Ellen – yes; Tom – yes; Bill – yes; Dick – yes; Cindy – yes; Janet – yes; Kate – yes. Motion unanimously approved.

**McDonald Subdivision** - Mary McDonald explained the request, stating that she owns a 2.7 acre parcel that she wants to subdivide to sell a piece to a neighbor. This would give a present landlocked lot access to a road. Sue Ellen clarified that we need a Public Hearing and an actual survey map. Motion to hold the Public Hearing March 1<sup>st</sup>, 2021 made by Dick and seconded by Cindy. Motion unanimously approved. Dick asked if we should have the survey map at the hearing? Discussion about new survey map and the public hearing.

**Deer Haven Park, LLC Subdivision** – Mr. Martin and Mr. Karlsen distributed the maps and they appeared on the screen. They explained that these maps answer the questions that we had at our December 2020 meeting. Mr. Martin explained that the Railroad was in purple line and the roads were in green lines. These Mr. Martin will retain. The black blanching areas are also areas that he will retain. Mr. Karlsen explained the lake - to - lake Depot Map, a USGS topography map. There are no large mountains and no large streams. Waters flow generally toward Seneca Lake. The Depot Map when it originally existed. Another map shows the concrete bunkers. There are 5 sections of bunkers/igloos. These may be sold out to farmers or Mr. Martin may continue to maintain them. SEDA Map shows the clean up areas on behalf of the government. The Parson Map shows historic areas and wetlands. The pink lines are the Amish divisions, and the black hashed areas Mr. Martin will retain. These large maps are available in the Town offices for Board members to look at or the pdf file has been emailed to the Board members.

Sue Ellen asked about the **number of times the Depot property has been subdivided and over what period of time.** She noted that in January 2018 the Planning Board approved 75 acres to be subdivided. This was in the top right corner of the Romulus portion. Mr. Martin stated that it was subdivided in 2016 one part Varick and one part Romulus. He said he purchased the Depot and the Airport in 2016. The IDA (Seneca County) did the first subdivision into Varick and Romulus, the second was the 75 acres and the third is his proposal. Tom asked about the FLAUM property and Mr. Martin identified it on the map.

Sue Ellen asked if there were any updates on the **environmental monitoring issues.** The environmental issues are: the Ash landfill which is retained by Mr. Martin. He will build a high tensile security fence to create a several hundred feet buffer area. He explained that the Army Core of Engineers identified a 3' to 4' contaminated area of land. The Army Core of Engineers built three berms underground and put a filter in each. There are test wells there and on neighboring properties. Every year the Army retreats the area. They will continue to treat this area 50 years after they find no contamination. The concern for the Army is water moving to Seneca Lake. Sue Ellen asked if there are any updates on the PFA's. Mr. Martin responded that the area of concern is the FLAUM property. They have been monitoring by sinking test wells to see if it has spread. The Army can come in and test, even after sale to the Amish.

Sue Ellen asked about **easements**. Mr. Martin responded that he will maintain the roads and grant easements for water department and NYSEG. He noted that by keeping the roads, it would be better to have one owner than 20 owners, if they ever got transferred to the county.

Mr. Martin owns some **water lines** and the Seneca County Water District owns the majority. Sue Ellen explained that we needed to know who owned what water lines.

Pat asked about SEQR documentation. Mr. Martin has not done the SEQR yet. He noted that the Board had decided on the short form. Board members agreed that we would not do the SEQR tonight as we just today received the maps. Members will review the maps for the next meeting in March. Any questions please forward to Sue Ellen. Harriett explained that you can do a coordinated review on an unlisted action and can solicit comments from agencies, i.e., DEC, Army Core of Engineers, etc. Sue Ellen stated she would contact other agencies for comment.

**Correspondence** – Discussion regarding transcription of the virtual meetings in addition to meeting minutes. Kate had requested that Sue Ellen investigate other virtual meeting apps, specifically those that provide the option for a transcription of the meeting. Harriett reported that the transcriptions that other apps provide was not worth paying for, as they do not reflect what occurred at the meeting and do not make any sense. Kate commented that we are supposed to be taping all public hearings, according to the training she has attended in the past. Harriett will check with the Office of Local Government at the Department of State.

**Comprehensive Plan** – Mike Joslyn dropped off information to Dick Bloss. This included information and additional examples from other towns. Discussion regarding moving forward on the Comprehensive Plan. Harriett noted that almost every grant application asks for the Comprehensive Plan. A separate meeting on the Comprehensive Plan would be better than placing on our meeting agenda. Pat clarified that a public notice would be required whether a zoom meeting or an in-person meeting. Sue Ellen stated that Tom' notes on the meetings held regarding the Comprehensive Plan are on the website. She suggested we have a meeting some time in March on zoom to discuss the Comprehensive Plan.

Next meeting is Monday, March 1, 2021. The members agreed that this would be a virtual meeting due to the continued threat of Covid19.

Janet asked about Continuing Education and where to look for this. Harriett said that information comes through her office and is forwarded to contacts within the municipalities. It is difficult to keep track of persons needing to get this information and ensuring that the contacts are aware of who needs it. The NYS Department of State has canned trainings that are available on their website. Janet spoke about STEPS Complete Street program and the need for a survey within the community. There are grants available through STEPS and Genesee Regional Planning.

Motion to adjourn the meeting by Dick and seconded by Cindy. Motion unanimously approved. Adjourned at 10:19pm

Respectfully submitted,

Kate Sinicropi, Sec.