

Town of Romulus Planning Board

August 2, 2021

Romulus Town Hall, 1435 Prospect St. N.Y. 14588

**Present:**

Sue Ellen Balluff, Chairperson

Tom Bouchard

Cindy Meckley – excused

Janet Lynch

Bill Karlsen

Kate Sinicropi

Pat Morrell, Town Attorney

**Guests:** Mr. & Mrs. Daniel Brodnicki, Michael

Karlsen, Surveyor, Earl Martin. Bruce Austic

**Pledge of Allegiance and Moment of Silence**

**Approval of Minutes:** Bill made a motion to approve the minutes and Kate seconded the motion. Motion carried.

**Austic Application for a Subdivision, Tax ID 19-1-32.112.** This is a subdivision, tax ID19-1-32.112, that is being purchased by the Brodnicki's. "We want to connect all the properties to extend our lawn." Mrs. Brodnicki stated. "How large is this piece?", Tom asked. "It is 1.29 acres.", Mrs. Brodnicki responded. Sue Ellen stated, "We have to send this to the County Planning Board for review as it is an agricultural area. They will review it next week. We will schedule the public hearing at our next meeting." Motion to send the subdivision application to the Seneca County Planning Board was made by Sue Ellen. It was second by Janet. Motion carried. Motion to schedule the Public Hearing on Sept. 20<sup>th</sup>, 2021, by Janet, seconded by Tom. Discussion. Motion approved.

**Austic Application for a Subdivision, Tax ID 19-1-32.111** Mr. Austic explained that he bought the Boujon property, and this is the house that Mrs. Boujon owned and lived in. There is approximately 100 acres on this parcel. The Butlers live on one side. Mark Schoot wants to buy the 1.813 acres. There was an existing trailer on the property with water and septic. He wants to put a trailer back on the property using the existing water and septic. He would take out the house out as it is in bad shape. He is asking for a variance because there is only 165 feet on the road. Zoning requires 200 feet on the road for a subdivision. "The Planning Board can approve it subject to a variance. He would not be able to get a building permit without the variance." Pat stated. Pat Morrell, Attorney advised that the Board could move forward with the approval and Mr. Schoot could get the variance. The Butlers have access from Kinne Rd. in addition to the shared gravel road. "In addition to the variance for the road front footage, they need a permit to abolish the old house," Pat stated. Sue Ellen stated, "A subdivision requires a minimum of 2 acres, so the 1.813 acres would need a variance from the zoning board of appeals as well." Mr. Schoot could take both to the Zoning Board of Appeals. We can refer this to the County Planning Board and schedule public hearing. Motion by Tom to send to the County for review. Bill seconded. Motion carried. Motion to hold a Public Hearing on the 20<sup>th</sup> of Sept. made by Janet and seconded by Tom. Motion carried.

**Subdivision Application, Deer Haven Park LLC, Tax ID 02-1-01** – The Planning Board has requested that all waterlines be identified, and easements identified. Wells also were in question.

Mr. Martin spoke to the ground water use, the waterlines and who owns them. Mike Karlsen, Surveyor, brought documentation including an index of all the deeds regarding the water. All maps recorded are pertinent to the water. Water transmissions are 30 feet wide; distribution lines are 15 feet wide. The Agreement with government and Seneca IDA states that Seneca Co IDA transfers the lines to Water District 1. There is an easement agreement, and the Water District agrees to take the water lines.

Mr. Martin stated that the deed speaks to easements as well. The lines show on the map. Seneca County water owns the lines. Mr. Martin owns the dirt and has easements. Mr. Martin owns the lines that go from main line to a smaller line. Seneca County owns the main water lines. Sue Ellen suggests that all the documents get turned over to our attorney. The main line comes out of Seneca lake, out of Kendaia, across the railroad track. Mr. Karlsen then tracked the line on the map. Mr. Martin noted that there is no active water line going through the ash fill. The line has been terminated at both ends. Mr. Karlsen said the maps were obtained that were done by the army. He explained the water lines and where they go. If they discover a line that is in there, Seneca County would own them and have the right of way. Mr. Martin stated, "There is 7,000 feet of water line that goes to feed the Deer Park, a connection to his shop, and an additional 5 or 6 connections that he has". Bill asked, "Do the Fire Departments know where the useable hydrants are?" Mr. Martin responded, "The water Department is doing a bad job of maintaining them. There is leakage. New hydrants are being installed by Mr. Martin. The fire departments are familiar with new ones coming on. When his facility is built, Mr. Martin is required to have the fire departments trained on the facility and putting out the fire. The training includes locating all the hydrants. Engineers will train the fire departments as to all the facility needs and mechanics.

Mr. Martin spoke with his attorney regarding the well water issue. The reality is that an owner can dig a well, tomorrow. The DEC wanted an updated protocol from Mr. Martin. He provided an updated protocol which will be on file with the county clerk with the deed. It is like a deed restriction. The protocol states the 3 areas of concern: (1.) Unknown and known (PFAS) areas. On the Flaum property the Army located a PFAS hot bed. The Army is sinking wells on Mr. Martin's property, taking readings of PFAS. The Army will form a plan to remediate. The land use restriction says (2) you cannot drill a well or drink the water, (3) you cannot build etc. After 50 years of no contamination, the Army can impose new Areas of Control (AOC). The Planning Board will have the ability to review these. The EPA, the DEC and the Army will impose repercussions if the owners do not abide by the Protocol, and they dig a well. The EPA, DEC can do something if they get notice by someone. Any time there is a subdivision or construction of a building, the EPA, and the DEC will follow this protocol. At any time, they could come in and put a land use control on the base. If one wants to dig a pond, the DEC, EPA wants to know.

Earl put together a protocol earlier and the Army, DEC and EPA asked for an updated protocol. The Planning Board can add to this protocol. The Seneca County Health Dept. and the Seneca County Codes Enforcement are included. Towns, entities of the county to be notified can be added to the protocol, as well as EPA, DEC and the Army. Concern raised by Earl's attorney implied that this is the only condition. The protocol will spell out the Army, EPA and DEC processes. Pat spoke to deed restrictions which has very little to do with the Town. It is an agreement with the seller and the purchaser. It has to do with the other people that are similarly situated. It is for the other people with

the same deed restrictions that need to enforce it. They can sue or you need to comply or none of us comply. Pat clarified that the County Health Department looks at wells and whether you have enough room as a well must be 100 ft. away from the septic. Pat stated, "The Protocol is a way to bring the towns into the process and probably the best way."

Earl asked, "Can you have a motion to approve the Protocol?" Pat replied, "No, I want to talk to the Seneca County Dept. of Health." Pat will review the Protocol and we will discuss at our next meeting.

**Memorandum of Understanding from Seneca County** - Seneca County is updating their MOU. It is asking us to approve it and it would work to streamline the process. Pat suggests that this is a good thing to agree to. It makes clear they are available for consultation to the town planning boards.

Motion: The Planning Board makes a recommendation to the Town Board that they approve Memorandum of Understanding. Bill made the motion and seconded by Janet. Motion approved.

**Election of Chairperson and Vice Chairperson** - Sue Ellen's resignation is effective next Monday. We need a chairperson and a Vice Chairperson. Tom is willing to step up as chair as he is familiar with the position. Janet made a motion to nominate Tom as Chairperson. Bill seconded the motion. Motion carried. For Vice Chair position, Sue Ellen made a motion to nominate Janet for Vice Chairperson. Bill seconded the motion. Motion approved.

Motion made by Tom that our regular meeting be held on Monday, Sept. 20<sup>th</sup> due to the Labor Day Holiday. Motion seconded by Janet. Motion approved.

Mr. Karlsen had new business item. He explained that it was a Subdivision application by Amama Farms, LLC on Kennedy Rd. They want to subdivide the house and barn away from the tillable land. It is about 4 acres. Sue Ellen, has the application and a check that she will take to Jane tomorrow to get it registered. Pat commented that as a subdivision it is straight forward. Sue Ellen will email the complete application to us. Motion made by Sue Ellen that we accept the application and set the public hearing for Sept. 20<sup>th</sup> 2021. Seconded by Janet. Motion carried. Sue Ellen will forward to the Seneca County Planning Board.

Motion to adjourn by Janet and seconded by Tom. Motion approved.