



PLANNING

BOARD

Chair: Robert C. Seem	Vice Chair: Alan Smith	Secretary: Lawrence J. Kesel
2445 Traver Rd.	2613 Durling Rd.	1234 Middle Black Brook Rd.
Seneca Falls, NY 13148-9751	Seneca Falls, NY 13148-9713	Seneca Falls, NY 13148-9753
Phone: 315-568-5637	Phone 315-568-5422	Phone: 315-568-5330

Minutes of the meeting held: May 22, 2018 at the Town of Tyre Municipal Building

Members in Attendance: Robert Seem Alan Smith, Henry Bickel, Deborah Geary,
Kenneth Hauenstein, Karen Thomson, Lawrence Kesel

Town Representatives: Thomas Blair, Esq., - Cheney & Blair
Michael Simon, CPESC, - Labella Associates
Craig Reynolds, - Tyre Zoning Enforcement Officer

Guests: Jim Rogers, - Tyre Town Board Councilman
Gary & Kathy Schlegel
Paul & Casey Keuer
Charles Shaffer Esq., representing Nolt / Zehr
Carl & Mary Nolt
Chester Burkholder
Tony Scibowa

Call to Order:

Chairman Seem called the meeting to order 6:31 P.M.
7 Members present, 100% attendance.

Public Comment Period:

Status of Burkholder Project, Mr. Burkholder and/or his Engineer were not in attendance at this time currently on the agenda. Postponed project update until later in the meeting if one or both arrive during the meeting.

Keuer Variance Overview, Paul Keuer presented a brief overview of the Area Variance application on his East Tyre Road property to build a 28 x 36 pole barn replacing an existing building which has been removed from the property. This variance application will be introduced and discussed further under New Business.

Magee Diner Application Overview, Gary Schlegel owner of the Magee Diner presented a brief overview of the proposed construction of a screened in patio in the back of the present main building. This application will be introduced and further discussed under New Business.

Nolt Project, Charles Shaffer, Esq. briefly covered the sale of a house and property belonging to Peter and Lawanda Zehr along with adjacent barn and additional property belonging to Carl and

Mary Nolt to Jacob Martin. This discussion will also take place during New Business.

Approval of minutes of prior meetings:

Approve Minutes as prepared from April 24, 2018 meeting. One typo identified on page 3. Correction will be made by Secretary prior to removal from Draft status and issued as written.

Motion: Alan Smith
Second: Kenneth Hauenstein
Oral vote: Unanimous to accept after correction.

Zoning Enforcement Officer April Report:

ZEO Craig Reynolds presented his Zoning Activity report since last meeting. Several site inspections and visits during the month thus far. Pine View Circle looking to occupy all apartments by late June. Finger Lakes Chrysler, Dodge, Jeep & Ram will begin to relocate vehicles to the new facility this month.

<u>Permit</u>	<u>Issued</u>	<u>Owner</u>	<u>@Location</u>	<u>Description of Work</u>
18-05	5/18/18	Edward Heffernan	1224 Old Schoolhouse Rd.	New Pole Barn

Old Business:

Minor changes to draft Zoning Law based on NYSAM comments.

The Town Board requested Planning Board review definition changes submitted by the New York State Department of Agriculture & Markets. Every change made was discussed in detail. Resulting update to the Zoning Law will be forwarded to the Town Board less the one modification to clarify the issue of electrified fences which will be investigated and discussed further with our PB Chairman, Legal department and the NYSA&M.

Accept and recommend these changes including further investigation by Chairman Seem and Attorney Blair.

Motion: Karen Thomson
Second: Debra Geary
Oral vote: Unanimous

Minor changes to Routes 414 & 318 Commercial Corridor Master Plan.

Some minor figures were cleared up and revised. After a lengthy discussion the document is intended to be a Plan, is solely conceptual, not rigid, or cast in concrete. The concept contained within the Plan is negotiable anytime during planning discussions. Bottom line the Routes 414 & 318 Commercial Corridor Master Plan is a debatable negotiated concept, not a Law.

Recommendation:

Implement changes as discussed to the Routes 414 & 318 Corridor Master Plan.

Motion: Alan Smith
Second: Karen Thomson
Oval vote: Unanimous

New Business:

Paul & Casey Keuer Area Variance Application.

Application for Area Variance Appeal; build a 28'x36'x19' residential garage on the south side of the residence located on the west side of East Tyre Road. Town of Tyre Zoning Law Article III requires a 10' side yard setback. Area Variance Request if to approve a 50% reduction to 5' side yard setback. The objective of this meeting is an application document review and discussion culminating with a recommendation to the Zoning Board of Appeals prior to the posting of the Public Meeting.

The "Area Variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations. Rules for granting area variances provide that in making its determination on an application for an Area Variance must balance the benefit to be realized by the applicant against the potential detriment to the health, safety and general welfare of the neighborhood or community if the variance were granted. In balancing these interests, we must consider five factors. All five factors were read and discussed at length with an oral vote at the end of each before proceeding to the next.

- Factor #1 – Will an undesirable change in the neighborhood occur? No (7/0), the change is consistent in the neighborhood;
- Factor #2 – Can benefit of the change be achieved in some other way? No (7/0), the proposed solution is logical and major expense would be needed to reroute the driveway;
- Factor #3 – Is the requested change substantial? No (7/0), while the side yard setback will be reduced by 50%, there is a tree line along the side yard and the existing building (which will be removed) is approximately at the requested setback.
- Factor #4 – Will the requested variance have an adverse effect on the physical or environment conditions of the neighborhood? No (7/0), the side yard neighbor consists of a large, undeveloped lot with little likelihood of any new structure construction on that site and the new garage is at about the same side yard setback as the existing smaller building shown on the map (which already has been removed).
- Factor #5 – Was the need for a variance self-created by the applicant? Yes (7/0).

Although the Factor #5 affirmative vote was relevant to the decision of the Zoning Board of a Appeals, it is not necessarily precluding the granting of the area variance.

Based on the above considerations, the Planning Board recommends that the Zoning Board of Appeals grant an Area Variance to the Keuers.

Motion: Henry Bickel
Second: Kenneth Hauenstein
Oral vote: Approved unanimously

Mr. Keuer should provide a brief narrative that his garage is residential to store automobiles, seasonal and personal storage, etc. Absolutely no commercial use is intended. The ZBA might consider including a condition to the variance to restrict commercial use.

Send Public meeting notice, date, time & location to abutter listing.

Distribution of Nolt Subdivision Application:

Charles Shaffer, Esq. is representing both Mr. & Mrs. Nolt and Mr. & Mrs. Zehr. Initial review of the Carl & Mary Nolt Subdivision Application, approximately 2.5 acres of land including a barn which is adjacent to a house and property being separately purchased resulting in one new tax map parcel after both purchases are transacted. Both properties, the house + land (Zehr) and the additional land + barn (Nolt) both are located on Gravel Road which is a County Road. Therefor this application does require Seneca County Planning Board review. Discussions followed and concluded with a statement by Zoning Enforcement Officer Craig E. Reynolds that he is comfortable that the Subdivision Application as presented.

Resolution;

Deem the Subdivision Application Complete;

Declare the Town of Tyre Planning Board as Lead Agency;

Submit Subdivision Application to the Seneca County Planning Board by noon on June 6, 2018 to review on June 14, 2018;

Schedule and post Public Hearing for June 26, 2018 regular monthly Planning Board meeting.

Motion: Henry Bickel

Second: Karen Thomson

Oral vote: Unanimous

Status of Burkholder Project:

Project review was rescheduled on tonight's agenda earlier from the Public Comment period. Mr. Burkholder arrived had arrived and proceeded to update the Board current status of his project. His Engineer is presently in the Hospital and unfortunately did not have updated information, he stated that he is not quite sure of the status. Chairman Seem reminded him that we are awaiting Subdivision status separating the house from the business. We also need the Site Plan Review for the business property. The Burkholder application is still not completed. ZEO Craig Reynolds stated he will remain in contact and be available to assist Mr. Burkholder and his Engineer and get this application completed.

Distribution of Magee Diner Site Plan and Special Permit Application:

Gary Schlegel owner of Magee Diner presented the initial overview consisting of his Site Plan and Special Permit Application. His intention is to construct a 2,024 square foot screened in patio at the rear of his Diner. During discussion the Planning Board recommended he delete and withdraw the Special Permit Application entirely. The screened in patio will be attached to the main building and is considered expansion of a permitted use building. Application was changed, building an addition to the main building. During the review it was recommended that Mr. Schlegel prepare a full narrative covering uses of tis addition. Further discussion with Board member, Legal and ZEO Craig Reynolds the Application was sufficiently completed at this time.

Resolution:

Application sufficiently completed to move forward;

Motion: Kenneth Hauenstein

Second: Alan Smith

Oral vote: Unanimous

Correspondence:

Chairman Seem reminded everyone that that we received a request from Bookkeeper Michael Gross Dated February 26, 2018 to report your Town related activities for the Months of March, April & May. Completed sheets are due back to Mike by June 29, 2018. Your individual activity should only reflect time spent on Planning Board activities and not attending Town Board meetings as a resident not appearing on the agenda for that meeting. Your Planning Board related activities only are to be reported.

Planning/Training/Website:

Planning Board: work load activity has again become heavier again this month, steadily increasing every month.

Training: Facilitator Kesel reported that two members from the PB and one from the ZBA spent a total of 11 hours, including travel time, attending the full day Spring Regional Local Government Workshop sponsored by the Genesee/Finger Lakes Regional Planning Council in Pittsford, NY on Friday, May 18, 2018.

Website: Chairman Seem & Secretary Kesel still attempting to schedule a visit and meeting with Finger Lakes 1 President James Sinicropi to plan increased website activity. It has been extremely difficult for these two retirees with the increasing demands on their talents to schedule this meeting. We, not Jim Sinicropi are responsible for the delay scheduling this meeting as I have reported in the past month's that a meeting has been planned.

Adjourn monthly Planning Board meeting:

Adjourn: 8:27 P.M.
Motion: Karen Thomson
Second: Ken Hauenstein
Oral vote: Unanimous

Respectfully submitted,

LARRY

Next Planning Board meeting June 24, 2018 at 6:30 P.M. in the Municipal Building.