

# Town of Tyre

## Planning Board

**Chair:** Robert C. Seem  
2445 Traver Rd.  
Seneca Falls, NY 13148-9751  
Phone: 315.568.5637

**Vice Chair:** Alan Smith  
2613 Durling Rd.  
Seneca Falls, NY 13148-9713  
Phone: 315.568.5422

**Secretary:** Ronald F. McGreevy  
1907 West Tyre Rd.  
Seneca Falls, NY 13148-9730  
Phone: 315.568.2600

**Minutes Of The Meeting Held:**

**May 22, 2012**

**Tyre Town Highway Building**

**Members In Attendance:** Robert Seem, Alan Smith, Ronald McGreevy, David Kain, Larry Kesel, Deborah Geary

**Members Absent With Notice:** Neil Worden

**Guests:** Comprehensive Plan Committee Member Marjorie Fahrenheitz

### **Comprehensive Plan Committee Meeting:**

Town of Tyre Planning Board Chairman Robert Seem called the meeting to order at 7:00 PM.

Members continued review and discussion of the Comprehensive Plan draft material. Planning Board Chairman Seem asked members to review and modify previously assigned sections with edits and additional text where appropriate. The importance of completing the Plan by year's end was noted.

The meeting was adjourned at 7:32 PM.

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The regular monthly Town of Tyre Planning Board meeting was called to order at 7:32 PM by Chairman Robert Seem.

The minutes of the meeting held on April 26<sup>th</sup>, 2012 were approved as written on a motion of David Kain seconded by Larry Kesel.

### **New Business:**

Board member Larry Kesel provided his monthly report on the status of the Tyre website noting new photographs that have been taken and subsequently displayed on the home page.

A training update for the year 2012 was also provided.

Members reviewed the draft local law "Establishing a Moratorium on Kennels in the Town of Tyre" document as discussed at the 4/26/12 Tyre Planning Board meeting. Also noted was CEO McGreevy's phone conversation with Gorham Town Clerk Nancy Hollenbeck. Ms. Hollenbeck stated that public response to the recently enacted Gorham moratorium has been overwhelmingly positive, noting that their town is working diligently to update its current kennel/pet breeder regulations.

It was further noted that the Tyre Town Board will review the aforementioned draft local law at their next scheduled meeting which will be held on 5/24/12.

Planning Board members reviewed the Area Variance request of Stephen and Sharon Lawrence regarding the proposed subdivision of a parcel at Traver Rd. and Gravel Rd., Tax Map # 13-1-16.1 (98.30 acres). This proposal would create two (2) lots, the smaller of which (approx. 19.65 acres) would have approximately 20 ft. of road frontage which is contrary to Town of Tyre Zoning Law, Article III, Sec. 3.302 requiring 150 ft. of *Minimum Frontage*.

Subsequently, upon a review of the application and site map provided, and taking into account that this property was functionally subdivided by New York State at the time of construction of the NYS Thruway, there appears to be physical constraints on the applicants which would prevent the proposed new parcel from being created with minimum frontage as required by existing law, and

Whereas statutory requirements as set forth by NYS law have been met or demonstrated as the granting of the Area Variance would not create an undesirable change in the character of the properties along Traver Rd. by allowing a road frontage less than that standard established in Town of Tyre Zoning Law, and

Whereas the non-conforming nature of this subdivision was not self-created and because adequate frontage is not available in the parent lot (or adjacent lots) to create a conforming lot, and

Whereas there are no other options available to the appellants to either bring the subdivided lot into conformity or to achieve their stated goal of sale of the smaller subdivided lot, and

Whereas the Seneca County Planning Board's recommendation for approval of this request was duly noted, and

BE IT RESOLVED, that the Town of Tyre Planning Board on May 22, 2012 recommends approval of the request of Stephen and Sharon Lawrence for an Area Variance to allow subdivision of Tax Parcel 13-1-16.1 into two (2) parcels, and

FURTHER RESOLVED, that it is recommended that the Town of Tyre Zoning Board of Appeals consider said approval with the condition that the smaller parcel (19.65 acres) continues to be used for farming purposes only, and

DIRECTED, that word of this review by the Tyre Planning Board be forwarded to the Tyre ZBA.

Motion made by David Kain seconded by Larry Kesel. In Favor: R. Seem, A. Smith, R. McGreevy, D. Kain, L. Kesel, D. Geary. Opposed: None. Motion Carried.

Planning Board members discussed rescheduling the regular June 26<sup>th</sup> Tyre Planning Board meeting due to another Primary Election being held that same day (Noon till 9PM). **It was unanimously agreed that the next regularly scheduled Tyre Planning Board meeting will be held Thursday, June 28<sup>th</sup>, 2012 @ 7PM in the Band Hall Building.** Notice of this change will be posted on the Tyre website in advance of the meeting.

**Old Business: None**

#### **Zoning Code Enforcement Officer Report:**

Code Enforcement Officer McGreevy reported on discussion and correspondence with Lisa Maas-Vangellow of Airosmith Development, representing Verizon Wireless in regards to a proposed antenna co-location at the 1016 Gravel Rd. tower site and a subsequently requested sign-off letter from Town of Tyre Zoning. Upon review of the *Federal Middle Class Tax Relief and Job Creation Act of 2012* (2/22/12) regarding "**Wireless Facilities Deployment**" it appears that this legislation usurps certain local and state regulatory authority in regards to wireless facilities requests "that do not substantially change the physical dimensions of such tower and base station..."

CEO McGreevy subsequently noted a scheduled 5/24/12 consultation appointment with Tyre Town Attorney Charles Shaffer in an effort to obtain a legal opinion in this matter.

CEO McGreevy also reported that since the Planning Board meeting of April 26<sup>th</sup>, 2012 the following Town of Tyre Zoning Permits have been issued: #12-6 to Steven R. Matice, 1048 East Tyre Rd., Seneca Falls, to *Install an Above Ground Swimming Pool*; #12-7 to Matthew J. Lando, 1145 Old Schoolhouse Rd., Seneca Falls, to *Install an Above Ground Swimming Pool w/ Deck*; #12-8 to Daniel A. Poormon, 1828 Route 318, Seneca Falls, to *Extend an Existing Lean-To* and #12-9 to John W. Dingledein, 1782 Chase Rd., Waterloo, to *Install a Pre-Built Shed*.

On a motion of Alan Smith seconded by Deborah Geary, the meeting was adjourned at 8:27 PM.

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**Next Meeting Scheduled For June 28<sup>th</sup>, 2012**

**@ Tyre Band Hall Building 7:00 PM**

**-Please Contact The Secretary If You Are Unable To Attend-**

Respectfully submitted,

*Ronald F. McGreevy*

Ronald F. McGreevy

Planning Board Secretary