



# 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: Lawrence J. Kesel  
1234 Middle Black Brook Rd.  
Seneca Falls, NY 13148-9753  
Phone: 315-568-5330

Minutes of the meeting held: August 27, 2019 held at the Town of Tyre Municipal Building  
Members in attendance: Robert Seem, Alan Smith, Lawrence Kesel, Henry Bickel, Deborah Geary, Kenneth Hauenstein, Karen Thomson  
Representing the Town of Tyre: Thomas Blair, Esq., Finger Lakes Law  
Michael Simon, CPESC, CPMSM, LaBella  
Craig Reynolds, Tyre Zoning Enforcement Officer  
Guests: Mark Travis, Town of Tyre Zoning Advisory Committee

## **Open Town of Tyre Planning Board Meeting**

Chairman Seem called the meeting to order at 6:30 P.M.

## **Attendance Recording**

Seven Members in attendance, full board present.

## **Public Comment Period**

There were no comments from the public.

## **Approval of the July 23, 2019 minutes as written**

Motion by Karen Thomson,  
Seconded by Alan Smith,  
Oral vote Unanimous.

## **Zoning Enforcement Officer Report**

ZEO Reynolds reported that the Zoning Office issued two Zoning Permits as follows;

<u>Permit</u>	<u>Issued</u>	<u>Applicant</u>	<u>At Location</u>	<u>Description of Work</u>
19-16	07/24/19	Mary True	1239 M Blk Brk Rd.	Putting in a shed
19-17	07/24/19	Richard Damaske	752 Gravel Road	Installing above ground pool

Follow up visits, actual site inspections of the projects occurring in the Town continue. Several application packets for the Planning Board and the Zoning Board of Appeals were reviewed. His Office has received several more complaints regarding not having access to Spectrum services.

At this time Chairman Seem reminded everyone that the Town has spent many hours and money trying to provide Broadband service up until now requested additional information regarding the nature of complaints and discussion. Some residents have been able to receive service while others have been denied. Complaint's reported by our residents that Spectrum Representatives have stated reason they are not able to provide services, Town of Tyre has not completed the necessary paperwork. Atty. Blair took issue with this comment stating that the Non-Disclosure Agreement proposed by Spectrum was reviewed and modified after coordination with Spectrum General Counsel. This document was then executed by the Town and submitted to Spectrum. The only outstanding issue is the Franchise Agreement, which would need to be agreed upon prior to receiving television services; Atty. Blair noted that this Agreement had nothing to do with internet and telephone services. In addition, residents have been told they are eligible for service and then cancelled. Some even cancelled after work order and installation date had been issued to them. One Address on the Spectrum website was changed from eligible to not eligible.

The Town Supervisor and Town Board members have spent many hours trying to resolve this Broadband issue with Spectrum. They are not responding to our invitation to meet here to discuss and resolve this eligible/not eligible installation roadblock the Town residents are experiencing.

## **Old Business**

### Update on Burkholder Site Plan & Subdivision application

Mike Simon referenced the LaBella memo addressing the outstanding issues which have not been addressed by the applicant. The SWPP issue remains the biggest issue requiring attention as the sight is flat and drainage is required around the perimeter. Mike will contact Jason McCormick once again to move this matter along.

### Update on Petro Sign Special Permit.

The Special Permit has been before both the Tyre Zoning Board of Appeals and Seneca County Planning Board. A Public Hearing will be scheduled, posted and addressed at the regular monthly meeting of the Planning Board on September 24, 2019.

### Update on Seneca County Chamber of Commerce Gateway Visitors Center

Tyre Engineering awaiting updated landscape plan from the Chamber of Commerce's architect which is promised to be available prior to the September 24, 2019 Planning Board meeting. Conference call is scheduled sometime next week with the NYSDOT regarding any traffic concerns they may see. Atty. Blair mentioned that the sidewalk requirement in the Routes 414 & 318 Commercial Corridor Master Plan be reviewed to insure a "walkable area" is provided to and from the entrance to the building.

## **NEW BUSINESS**

### Complaints abandoned and abandoned-looking properties in the 414 & 318 corridor

Chairman Seem mentioned that the Town Board had informally asked for input from the Planning Board regarding the issue of abandoned properties located in the Town. The Tyre Supervisor has received several complaints from Town residents who are attempting to sell property on State Route 414 and have been hindered due to the appearance of abandoned properties. ZEO Reynolds indicated that there are other areas within the Town that are overgrown and neglected. Chairman Seem distributed two examples of 'property maintenance' and 'premises unsafe/unmaintained' documents from the Town of Malta, NY for review and discussion. It was pointed out that during a meeting with the Zoning Advisory Committee members and the Tyre Town Board members there was strong opinions expressed by Town Board members invited to that meeting who did not want to "tell people how to take care of their property. ZEO Reynolds stated he had to make several visits to unmaintained properties and has had several complaints about the old Strong house and blue house on State Route 414. Atty. Blair stated dealing with the issue of abandoned structures is much easier than dealing with the maintenance issue. He continued to mention "zombie property law" which is in effect in many communities. This law would give the Town options in dealing with abandoned properties which could cause increased criminal activity as well as safety issues for residents. The Town Board would need to adopt some sort of law to handle this issue to support the Zoning Enforcement Officer during visits to property owners of abandoned, properties.

### Topic of Discussion, are the Planning Board's demands for permit (even simple permit) applications too onerous?

There have been discussions between Town Board members and Planning Board members concerning the Town gaining a reputation of being difficult to deal with on projects going through the Planning Board. Chairman Seem Distributed a flow chart from Ontario County for review and discussion. This was reviewed, discussed and found to have some inaccurate information. ZEO Reynolds distributed a scaled down version of a flow chart for a project going through the Planning Board. A discussion followed about the various types of projects and how these might be moved through the system in a more streamlined manner. Mike Simon pointed out that the larger commercial projects would obviously require full SEQR review. However smaller projects would be classified as Type II actions and not require SEQR. It was decided that ZEO Reynolds would evaluate project applications as they are presented, sharing this information with Planning Board Chair, Legal and Engineering for a determination as to the processing of the application.

One benchmark discussed was a commercial application affecting no more than 4000 square feet. That project would be Type II and not applicable to SEQR. Atty Blair stated that SEQR is performed based upon “actions”: the main criteria relate to whether the project will affect the environment. Mike Simon stated his opinion that streamlining application processing is a welcome idea. He referenced Magee, Montezuma and Glenwood.

Chairman Seem voiced concern that these administrative changes may clash with existing subdivision and site plan laws. Atty. Blair stated his opinion that the Planning Board for Tyre was lenient with applicants. He further stated that as a growing municipality the Town should be focusing on the process. He stated that the key elements would be communication & coordination. Everyone on the PB agreed.

#### Comment re: receiving information packet prior to scheduled meetings

PB member Karen Thomson voiced her opinion that if the PB is to consider a Resolution, the members need to have relevant information prior to the meeting for their consideration. Secretary Kesel stated on several occasions’ information has not been received when promised by the applicant or his representative. Late receipt causes additional individual packet preparation (printing, collating, etc.) and of course weekend deliveries to individual members homes by Chairman Seem & Secretary Kesel. Chairman Seem indicated he is working diligently on this and will continue to do so. Karen stated that information could be left at the Tyre Municipal Building for individual pickup, not necessary to deliver all packets. Individual mail slots for PB members will be set up at the TMB.

#### Grants

Chairman Seem stated that State Grant funds are available and suggested that Craig could be investigating these opportunities for the Town. Chairman Seem referenced a clean energy grant and Mike Simon offered that LaBella has a planning group that does a lot of grant writing work and could help the Town. Atty. Blair stated that grant writing takes a lot of time. He advised identifying the straightforward grants and avoiding the more technical ones. Secretary Kesel also expressed a concern that Craig might be spread too thin especially now that he is the first step for all applicants.

#### Planning/Training/Website

Chairman Seem reported that he and Secretary Kesel recently had another meeting with the Finger Lakes 1 Team reviewing the website update. We are targeting live introduction early September, still awaiting information from Department Heads and of course tweaking information, etc. for a few months.

Secretary Kesel indicated 2 more members joined “2020 club” and one the “2021 club”.

**Adjourn monthly Planning Board meeting**

7:45 P.M.

Moved; Deborah Geary

Second; Henry Bickel

Oral vote; Unanimous.

Respectfully submitted,

*Larry*

Next meeting September 24, 2019 - 6:30 P.M. in the Municipal Building, 1082 Gravel Road.