



# 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

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Minutes of the meeting: April 28, 2020 held utilizing Cisco Webex conferencing system, all individual's listed in place.

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

Members Absent: Karen Thomson

Representing the Town of Tyre: Thomas Blair, Esq., Blair Law Firm  
Michael Simon, LaBella  
Craig Reynolds, Tyre Zoning Enforcement Officer

Guests: Rick Shuffield, Love's Travel Stops  
Timothy Freitag, Assistant Project Manager, Bohler Engineering  
Dave Everett, Esq. Whiteman Osterman & Hanna

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

Chairman Seem called the meeting to order at 6:30 p.m.

## **Attendance Recording**

Chairman Seem requested a roll call identification of Planning Board Members. Secretary read the roster, six (6) Members responded, quorum is present. One (1) Member absent, not on the teleconference line.

## **Opening Comments by Chairman**

Chairman Robert C. Seem opening statement.

- Thank you to all of those participating in this evening's meeting. These are unusual times requiring accommodation of vastly different procedures. I hope our efforts work tonight flawlessly.
- We also hope our citizens understand the unique meeting venue. This may not be the only time we meet by conference call. If the practice continues, we will strive to live-stream video the meeting, if we return to our Municipal Building but still exclude the public.

- The agenda for tonight’s meeting has been modified and abbreviated from our typical agenda. We will not have the typical Public Comment period when persons seeking action by the Planning Board make presentations. We will move through the standard agenda quickly until we reach Old Business. The only topic for Old Business is the Love’s Travel Center project and at that time Love’s team will make their presentation.
- The anticipated action by the Planning Board tonight will be to consider whether the application for a subdivision and site plan is substantially complete, and if so, we will likely accept the application and start the review process, we will forward the application package to the Seneca County Planning Board for their review under GML-239 procedures, and we will declare the Planning Board to act as lead agency for the State Environmental Quality Review (SEQR) and will initiate the SEQR process.
- For our official meeting record, we ask that those listening to this meeting tonight please identify yourself by sending an email message to our secretary Larry Kesel. Please send your name (and affiliation) to Larry post meeting tonight.
- Finally, I request all participants, to minimize distracting noise across the audio lines, to mute your phone (if you can) until you wish to speak, then turn mute back on after completing your comment.
- I Thank you for your accommodating us tonight.

**Approval of minutes of prior meetings: February 25, 2020 (No meeting in March)**

Motion to approve February 25, 2020 minutes as written:

Brought by Kenneth Hauenstein,

Seconded by Deborah Geary,

Oral vote Unanimous, February 25, 2020, Minutes approved as written.

**Zoning Enforcement Officer Report**

ZEO Craig Reynolds has spent a lot of time back and forth with information on the Love’s Project since the last Planning Board meeting.

On-site inspections continue.

Further discussions with the new owner of the Schwartz property, still interested.

Assembled packets received prior to tonight’s meeting regarding the Love’s Project notifying individual Planning Board members ready for pick up at the Municipal Building.

Zoning Office has issued four (4) Zoning Permits as follows.

<u>Permit</u>	<u>Issued</u>	<u>Applicant</u>	<u>At Location</u>	<u>Description of Work</u>
20-05	03/03/20	John B. Wise	272 Lamb Road	Addition to pole barn
20-06	03/09/20	Jeffery Graves	1052 Middle Black Brook. Rd.	Building a garage
20-07	03/18/20	Dean M. High	226 Gravel Road	Building a garage
20-08	03/27/20	Matt Lando	1145 Old School House Rd.	Building a pole barn

## **Old Business**

### **Presentation and discussion of the revised application for the subdivision and site plan for the Love's Travel Center proposed adjacent to NYS Thruway Exit 41**

Chairman Seem turned the airwaves over to Love's Travel Center representatives. Dave Everett, Esq. thanked the Planning Board for agreeing to hold this meeting and consider the materials submitted continuing to move the process and project forward during this very unusual time. Also appreciated the Planning Board willingness to help with this conference call. A large detailed submittal and re-submittals was forwarded to the Town of Tyre by Bohler Engineering on April 17, 2020 addressing issues from LaBella Engineering on March 20, 2020 review.

Chairman Seem asked if the full traffic impact study had been completed and submitted to the New York State Department of Transportation? Timothy Freitag, Bohler Engineering responded that the full traffic impact study had been completed and submitted to the State DOT for review, which is still ongoing. Bohler will address all comments when received.

Chairman Seem asked Mike Simon, LaBella Engineering to present a general discussion summarizing comments thus far involving the applicants Engineering. Mike stated that the original submittal was turned around quickly back to Bohler Engineering resulting with the present re-submittal that we have before us tonight just as quick. He then thanked the Applicants Engineering and Legal representatives for their quick responses and especially for submittal deliveries re-routed to his home as this is his office at present. Technical review is on-going as we move forward, he has issued a LaBella Engineering memo dated April 27, 2020 that the site plan application is substantially complete and recommends acceptance by the Board.

Chairman Seem asked for an update from Tom Blair, Esq. for his input thus far from the Legal side. Tom stated this application was extremely well done, highly organized, nicely completed application is substantially complete for the Planning Board to make our referral.

Chairman Seem commented that this detailed very complete application far exceeded initial details having not seen detail such as this on any of our applications in the past. Dave Everett, Esq. wanted to discuss the signage plan package that was submitted. They understand a waiver from the Zoning Board of Appeals is required as the signage plan package reflects larger than code signs to be visible from the New York State Thruway. Chairman Seem stated that expectations are Travel Centers like yours does require large standing signs. Precedent set for large signs can be seen from a distance. A determination letter has already been prepared and will be issued tomorrow morning to the Zoning Board of Appeals moving forward.

Dave Everett, Esq. also discussed the parking lot layout configuration in front of the Convenience Store and the Country Store and around the side of the building. The Town code has some parking restrictions in front of the building. This was discussed during their earlier visit here. How should they handle a waiver for parking around the building? Chairman Seem suggested a waiver request letter be sent to the Town and encouraged them to go ahead and get the waiver process started.

Dave Everett, Esq. had one more item on his list. That being the offer made now that the Planning Board will be Lead Agency on the SEQR that they will be more than happy to provide copies of the documents required for various Agency reviews coordinating the process as they have all the documents required. Chairman Seem indicated that he had just heard of the Applicant offer and this is a procedural process normally provided by LaBella. Hearing no opposition from the Planning Board he gave a yes go ahead and Thanks for offering. Mike Simon mentioned that the listing of interested agencies was modified recently and in the process of being updated. Also, if they felt we had overlooked an agency to go ahead and add to distribution. Dave indicated that as in the past they will coordinate and continue keeping Town of Tyre Legal and Engineering informed.

**NEW BUSINESS**

**Resolution regarding the Subdivision and Site Plan Review Application**

Chairman Seem made final request for comments/questions from the Planning Board. Hearing none he requested Tom Blair, Esq. read the proposed resolution in its entirety.

RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF TYRE  
REGARDING THE SUBDIVISION AND SITE PLAN REVIEW APPLICATION APPLICATION  
OF LOVE’S TRAVEL STOPS & COUNTRY STORES, INC.  
FOR THE CONSTRUCTION OF A NEW CONVENIENCE STORE AND TRAVEL  
CENTER PROJECT TO BE LOCATED ON NYS 414

April 28, 2020

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Alan Smith	[ x ]	[ ]	[ ]	[ ]
Deborah Geary	[ x ]	[ ]	[ ]	[ ]
Kenneth Hauenstein	[ x ]	[ ]	[ ]	[ ]
Karen Thomson	[ ]	[ ]	[ ]	[ x ]
Henry Bickel	[ x ]	[ ]	[ ]	[ ]
Larry Kesel	[ x ]	[ ]	[ ]	[ ]
Chairman Robert Seem	[ x ]	[ ]	[ ]	[ ]

Resolution was thereupon duly adopted.

## **Correspondence**

Chairman Seem mentioned news published today in the Finger Lakes Times that the state Thruway Authority plans to remove existing toll booths at Waterloo Exit 41 and replace them with a new, cashless toll system. Moving forward this cashless system when completed will reduce the time to exit now required to at Waterloo Exit 41.

Latest issue Vol. 34 No.2 March/April of the NYS Towns & Topics was received by the membership since last meeting. The lead story Governing in the Time of Covid-19.

## **PLANNING/TRAINING/WEBSITE**

Planning Board working in place with major accomplishments such as tonight's Cisco Webex conferencing system with Love's Travel Stops Representatives which has proven to have been a tremendous success accomplishing an especially important step in the overall process.

Training Facilitator Kesel stated that he had distributed the first quarter 2020 Individual Training status report to both the Chairmen of the Planning Board and Zoning Board of Appeals. Adjacent Counties and New York State are offering more and more webinar training opportunities. Every effort is made to distribute as quickly as possible the information. Remember to provide the original Certificate of Training hours you receive upon completion which will be returned to you after copies are made and filled in the Tyre Training Department Office and forwarded annually to insure New York State Training Hour Law requirement has been met by our members.

Website Due to on-going Covid-19 cancellations no additional WordPress training has been received by those of us responsible for the website upgrade.

## **Motion to Adjourn**

Time: 7:42 P.M.  
Motion: Ken Hauenstein  
Second: Deborah Geary  
Oral vote: Unanimous

Respectfully submitted,

*Larry*

Lawrence J. Kesel  
Town of Tyre Planning Board Secretary