



Planning Board

Chair: Robert C. Seem
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Secretary: Lawrence J. Kesel
1234 Middle Black Brook Rd.
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Minutes of the meeting: July 28, 2020 held at the Town of Tyre Municipal Building utilizing Cisco Webex conferencing system.

Members in attendance: Robert Seem, Alan Smith, Lawrence Kesel, Henry Bickel, Kenneth Hauenstein, Doug Jones, (PB alternate)

Members absent: Deborah Geary, Karen Thomson

Representing the Town of Tyre: Craig Reynolds, Tyre Zoning Enforcement Officer
Tom Blair ESQ, Finger Lakes Law
Mike Simon, LaBella Engineering

Guests: (teleconference) Rick Shuffield VP of Real Estate Development, Love’s Travel Center

Tim Freitag, PE – Bohler Engineering
Paul Van Cott, ESQ Whiteman, Osterman & Hanna
Jim Rogers, Town of Tyre Board Member
Mark Travis, Tyre Resident
Don Kowell, Granon Construction
Jack Kelly, Caldwell Banker Commercial
Chris & Pat Davis 3-D Development
Vern Sessler, 3S Gateway
Bruce Sherman, Sessler

Open Public Hearing for Love’s Travel Center SEQRA, Subdivision, Site Plan

Chairman Seem requested motion to open Public Hearing for Loves Travel Center SEQRA, Subdivision, Site Plan at 6:30 pm. Motion to open brought by Henry Bickel, seconded by Alan Smith, oral vote unanimous. Chairman Seem asked for any comments from the public in attendance, hearing none Chairman Seem repeated request for Public comments a second time. Again, hearing no verbal comments and providing information that no written communications had been received by the Town of Tyre Chairman Seem requested a Motion to continue this Public Hearing on August 25, 2020 for Love’s Travel Center SEQRA, Subdivision, Sie Plan which was brought by Kenneth Hauenstein, seconded by Henry Bickel, oral vote unanimous.

Open Public Hearing for Love’s Travel Center Special Use Permit application for lighted signs

Chairman Seem requested motion to open Public Hearing for Love’s Travel Center Special Use Permit application for lighted signage at 6:32 p.m. Motion to open brought by Alan Smith, second by Henry Bickel, oral vote unanimous. Chairman Seem asked for comments from the public in attendance, hearing none Chairman Seem repeated request for comments a second time. Again hearing no verbal comments and providing information that no written communications had been received by the Town of Tyre Chairman Seem requested a motion to continue this Public Hearing on August 25, 2020 for Love’s Travel Center Special Use Permit application for lighted signs which was brought by Henry Bickel, seconded by Alan Smith, oral vote unanimous.

Open Town of Tyre Planning Board monthly meeting

Chairman Seem Opened the July 28, 2020 Planning Board meeting @ 6:35 P.M.

Attendance Recording

Two members absent, Planning Board Alternate Doug Jones stepped right in providing six (6) Members (quorum+) in attendance for tonight’s meeting.

Public Comments

Chairman Seem offered to acknowledge anyone in attendance wishing to make a statement at this time to the Planning Board. Councilman James Rogers requested an opportunity to address the Planning Board stating that the Love’s Travel Center Project is very important to the Town providing the opportunity to continue reducing the tax burden on residents by increasing the tax base in the Town of Tyre, NY.

Approval of minutes of prior meetings: June 23, 2020

Motion to approve June 23, 2020 minutes as written.

Brought by Alan Smith, seconded by Kenneth Hauenstein, oral vote Unanimous.

Approval of minutes of Love’s Special Workshop: July 21, 2020

Motion to approve July 21, 2020 minutes as written.

Brought by Alan Smith, seconded by Henry Bickel, oral vote unanimous

Zoning Enforcement Officer Report

ZEO Craig Reynolds & Engineer Simon conducted onsite inspection at 3-S Gateway regarding the grading project. Minor issues being addressed, nothing major.

Storm water facility inspection were also conducted at several locations.

Onsite inspections continue, received 2 complaints both of which have been addressed.

Super busy working with our team on the Love’s project.

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>
20-18	08/04/20	Eric Camp	508 State Route 89	Placing a cabin
20-19	08/04/20	Sandy Yalowica	508 State Route 89	Placing a cabin
20-20	08/07/20	Martin Honey Farm	2981 Auburn Road	Putting on an addition
20-21	08/07/20	Michael Schmucker	1819 West Tyre Road	Add to existing pole barn

Old Business

Love's Travel Center SEQRA, Subdivision, Site Plan, and Special Use Permit. Chairman Seem called upon Mike Simon to update the Planning Board on Part 2 & 3 of SEQRA covered in the June document from LaBella. This signage re-visit is a direct result of our July 21, 2020 Workshop meeting. La Bella is reviewing additional observations from the applicant supplying an update in plenty of time prior to address at our August 25, 2020 Planning Board meeting. Chairman Seem pointed out that two major issues must be addressed in August which are the Special use permit and the Signage discussions. He also reviewed the changes to the Subdivision as we are still working on the Site Plan so no Subdivision changes required.

Tim Freitag PE, Bohler Engineering and Paul Van Cott ESQ, Whiteman, Osterman & Hanna along with Rick Shuffield, VP Loves (via teleconference) reviewed results from the lengthy signage discussions from the Workshop meeting. During this review, a visual impact of signage review, "VISUAL ASSESSMENT MAP" consisting of 14 pages portraying actual photographs taken from various locations in the Town of Tyre adjacent to the site as well as google maps information was handed out and discussed by the Board. Rick Shuffield added additional information pertaining to the 125' sign that will be exactly as portrayed on the submitted drawings and not changed in the future by adding additional business advertisements to the initial installation. The 125' sign as shown is not designed for additional advertising signs to be added in the future. Strict engineering requirements are required to ensure the safety of these high-rise signs once installed. Further discussions lead to 3S Gateway identifying the Town's concern toward high-rise advertising signs and the chance of competition by future applicants to install a taller sign than this installation.

Chairman Seem pointed that Planning Board member Deb Geary had submitted examples of research on the New York State Thruway which she had investigated using google earth prior to tonight's meeting. Although she was not able to attend tonight due to a recent event requiring her immediate attention, he wanted to review her findings with the Board. Utilizing Google Maps, she noticed a free-standing Love's Blue Board sign displaying "visitor center". Rich explained that this sign was prior to a free exit, not toll exit and advertised "visitor center" pre-arranged with them prior to installation. Deb also found that Thruway Authority Regulations were hard to penetrate.

Chairman Seem inquired if Mike Simon had any follow up comments since the LaBella draft at this time regarding signage issues. A tremendous amount of time has been spent preparing submittals, discussions during meetings and working closely between Bohler Engineering and LaBella Engineering addressing issues brought up prior to the Workshop and after which added additional labor-intensive research & communication. Engineering feels we are awfully close with LaBella reviewing latest information. Parts 2 & 3 are pretty much complete. Mike will be issuing information shortly in plenty of time to address on August 25, 2020. Mike pointed out that the 14 page "VISUAL ASSESSMENT MAP" prepared by Tim Freitag PE, Bohler Engineering, that we reviewed, analyzed, addressed tonight resolving all questions and comments that were brought up at our July 21, 2020 Work Session meeting and discussions tonight. Our due diligence addressing the signage issue plus the fact that no-one spoke up at the Public Hearing's and no documented correspondence was received in June and July. Everyone on the Planning Board felt more comfortable with the signage issue. The Planning Board has challenged the applicant and they have responded effectively. Love's has stated the 125' sign will not be changed from the submitted drawing. 3S Gateway should assist mentioning that no competition is expected with future applicants relative to the height of these signs adjacent to the New York State Thruway.

Atty. Tom Blair read the Resolution to the Planning Board leading the discussion, addressing questions.

Motion was Moved by Henry Bickel and seconded by Alan Smith, and duly put to roll call vote, which resulted as follows.

RECOMMENDATION RESOLUTION OF THE PLANNING BOARD
OF THE TOWN OF TYRE REGARDING THE SETBACK VARIANCE APPLICATION
OF LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.

July 28, 2020

	Yea	Nay	Abstain	Absent
Alan Smith	[x]	[]	[]	[]
Deborah Geary	[]	[]	[]	[x]
Kenneth Hauenstein	[x]	[]	[]	[]
Karen Thomson	[]	[]	[]	[x]
Henry Bickel	[x]	[]	[]	[]
Larry Kesel	[x]	[]	[]	[]
Chairman Robert Seem	[x]	[]	[]	[]
Douglas Jones (alternate)	[x]	[]	[]	[]

Resolution was thereupon duly adopted.

New Business

The Tyre Planning Board received a request from the Tyre Town Board for consideration regarding LOCAL LAW #1 of 2020 during the August meeting. This Local Law deals with an amendment to the Town of Tyre Zoning Law. The Planning Board as an Interested Agency is being contacted for consideration as all interested parties involved requirement will require SEQRA review. Discussion followed involving Board members and Professionals representing the Town of Tyre including the acknowledgement that the Planning Board does support Local Law #1 of 2020 released the following statement.

Town of Tyre Planning Board has no issue with Tyre Town Board acting as Lead Agency in the matter of Local Law #1 of 2020.

Moved by Henry Bickel and seconded by Kenneth Hauenstein.

Six (6) member Oral, Unanimous.

Correspondence

No correspondence received.

Planning/Training/Website

Planning Board activity has remained constantly high all year especially the increased individual efforts during COVID-19 and the heavy work requirements.

Training required annually by NYS Law individual quarterly status updates have been issued. Suspect additional requests for in house Tutorial's will increase with local sources cancelling training sessions that were scheduled for this year.

Website training will hopefully continue soon to better understand and become more comfortable with the new WordPress system we have changed the website over to.

Motion to Adjourn

7:50 p.m. moved by Henry Bickel, seconded by Douglas Jones, Unanimous.

Respectfully submitted,

Larry

Lawrence J. Kesel

Town of Tyre Planning Board Secretary

NEXT REGULAR MONTHLY MEETING AUGUST 25, 2020