



Planning Board

Chair: Robert C. Seem
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Secretary: Lawrence J. Kesel
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Minutes of the meeting: September 22, 2020 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

Member absent: Doug Jones, (PB alternate)

Representing the Town of Tyre: Donald Young, ESQ., Young Law Firm
Mike Simon, LaBella Engineering
Craig Reynolds, Zoning Enforcement Officer

Guests: Brian Bouchard, CHA Consulting
Ben Harrell, CHA Consulting
Tim Rease, Tyre Resident
Jim Rogers, Tyre Councilman
Mark Travis, Zoning Advisory Committee

Open Town of Tyre Planning Board monthly meeting

Chairman Seem opened the September 22, 2020 Planning Board meeting @ 6:30 P.M., immediately introducing Donald Young, Esq. Legal counsel who has now joined the Professional's representing the Town of Tyre. Every Board member welcomed Don to the Planning Board.

Attendance Recording

All seven members present, alternate Planning Board member Doug Jones authorized absent, attending to cultivating operations in the fields.

CHA / JFJ Holdings presentation for proposed Dunkin Donuts at 1781 S.R. 318.

Brian Bouchard, Ben Harrell, CHA Consulting, presented the initial overview regarding the proposed stand-alone Duncan Donuts project to be constructed on the northern acre of the property purchased at 1781 State Route 318. Discussion followed Mike Simon indicated documents have already been submitted and reviewed by Engineering. Dialog has been set up regarding issues and already in use, NYS DOT already involved Chairman Seem pointed out that discussions with NYS DOT are paramount, extending invitations to stay longer for New Business portion of the agenda discussions tonight.

Tim Rease Setback Variance Application

Tim Rease (1720 State Route 318, Waterloo, NY) presented an overview of the property situation concerning a standalone building and his request for a setback variance application. Discussions will continue later during the New Business portion of tonight’s agenda.

Approval of minutes of prior meeting on August 25, 2020

Motion brought to accept the August 25, 2020 minutes as written by Alan Smith, seconded by Deborah Geary, Oral vote Unanimous.

Zoning Enforcement Officer Report

Love’s Travel Stops & Country Stores project has been approved. A tremendous number of hours were spent by everyone representing the Town completing this detailed project.

Applications have been received regarding a Dunkin Donuts on State Route 318 and an Airbnb located on East Road.

ZEO Reynolds continues to work with Mike Simon and Jason McCormick to wrap up the approval process for Mr. Burkholder property on State Route 318.

Preparing an area set back variance for the Tyre Planning Board, Tyre Zoning Board of Appeals, and the Seneca County Planning Board regarding property State Route 318.

Zoning Office has issued two (2) Zoning Permits as follows:

<u>Permit</u>	<u>Issued</u>	<u>Applicant</u>	<u>At Location</u>	<u>Description of Work</u>
20-22	09/03/20	Stephen Skinner	2161 SR 318	Add on Porch & pole barn
20-23	09/21/20	R. & N. McGreevy	1907 West Tyre Road	Install pre-built shed

Old Business

Chairman Seem suggested we re-arrange the agenda for this evening allowing applicant representatives the opportunity to leave earlier tonight.

Move **New Business** ahead of **Old Business** for tonight. Oral vote, unanimous.

New Business

Initial review and consideration of completeness of Site Plan Application by JFJ Holdings, LLC

Chairman Seem commented that the Site Plan Application is fairly complete. Mike Simon stated that LaBella Engineering did review per check list, almost complete. Everything put together properly thus far, ok to start formal review discussions. Atty. Donald Young pointed out that the application is not considered complete until the SEQR is completed. The intent is not compressing the time required to schedule and provide formal notification of a Public Hearing. (LaBella memo 10/22/2020 attached)

The Planning Board deems the Application substantially complete such that review of the Application may officially move forward, subject to full completeness upon completion of the SEQR review. Upon completion of all discussions Chairman Seem asked if the Board was ready to move the Resolution. Motion to move the Site Plan Application Resolution was brought by Karen Thomson, seconded by Henry Bickel, roll call vote as follows.

RESOLUTION OF THE TYRE PLANNING BOARD REGARDING COMPLETENESS
OF THE SITE PLAN APPLICATION OF JFJ HOLDINGS, LLC FOR THE
CONSTRUCTION OF A NEW DUNKIN' DONUTS RESTAURANT TO BE LOCATED
ON NYS ROUTE 318
September 22, 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]	[]	[]	[]

Resolution was thereupon duly adopted.

Consideration recommendation to the ZBA regarding a variance application for construction of a pole barn at the home of Tim Rease, 1720 SR 318, Waterloo.

Timothy Rease, owner of the property presented his case for the variance request application including additional background information regarding his efforts, attempts to construct 30' x 60' storage building within the Commercial West District (C-1). The existing residence on the property presently has a well located in the back yard and septic system located in the front yard. Mr. Rease also attempted to purchase additional adjacent side yard property which is agricultural but presently lawn which is maintained by him now as was the practice of the former owner, offer declined. None of these limitations to the building placement were self-created, the building will not produce an undesirable change in the character of the neighborhood, and will not have an adverse effect on the physical and environmental conditions in the neighborhood. All five area variance findings & decisions Test factors were discussed at length.

The Town of Tyre Planning Board is obligated to make a recommendation to the Town of Tyre Zoning Board of Appeals (ZBA) regarding application brought before the ZBA. Chairman Seem read the draft Resolution which was moved by Henry Bickel and seconded by Deborah Geary.

Oral vote 7 Yeas and 0 Nays, Resolution passed. Dated September 22, 2020.

Old Business

Chairman Seem opened the deferred Old Business portion of the agenda for tonight.

Consideration of the Subdivision Application for Empty Pockets, LLC (Burkholder)

Chairman Seem reminded everyone that an application was submitted October 17, 2018 to subdivide a 15.3 acre parcel located on State Route 414 into three separate parcels consisting of an existing single-family dwelling, an existing commercial business (both accessible from SR 414) and the third, a new family dwelling to be constructed with access on Worden Road. Since that time, the applicant has purchased another residence in the Town of Tyre rendering that land with frontage on Worden Road a vacant lot. Chairman Seem read the Resolution with discussions including conditions (a thru k) which must be complied with prior to the endorsement of the Final Plat. The adoption of the Resolution was moved by Karen Thomson, seconded by Deborah Geary, roll call vote as follows.

RESOLUTION OF THE TYRE PLANNING BOARD REGARDING THE MINOR
SUBDIVISION APPLICATION OF EMPTY POCKETS, LLC

September 22, 2020

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

Resolution was thereupon duly adopted.

Consideration of the Site Plan Application for Empty Pockets, LLC (Burkholder)

Chairman Seem reminded everyone that around October 1, 2018 this Site Plan application dated June 11, 2018 was submitted to the Town of Tyre Planning Board together with documents detailing related site improvements, etc. for an existing truck maintenance business located at 1607 State Route 414, Town of Tyre, NY. A thorough review, discussion is paramount due to the passing of almost two years for the Planning Board, Engineering support and Zoning Officer since the initial start date and the introduction of newly appointed legal counsel Donald Young, ESQ., at tonight’s meeting. We will all benefit from this through review period addressing any concerns or questions atty. Young has as we progress this evening.

Chairman Seem read the Site Plan Application pausing to address, discuss every question / concern especially with emphasis on the 24 conditions contained herein are fully satisfied before the Planning Board Chairman approves and signs the plat and files with the Seneca County Clerk.

Motion to adopt the Site Plan Application as rewritten moved by Henry Bickel, seconded by Alan Smith roll call vote as follows.

RESOLUTION OF THE TYRE PLANNING BOARD REGARDING
THE SITE PLAN APPLICATION BY EMPTY POCKETS, LLC

September 22, 2020

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

Resolution was thereupon duly adopted.

Special use Permit Application for an Airbnb at 514 East Road, Savannah, NY
Applicant was not present at the meeting tonight. Some discussion took place comparing Airbnb to a Bed and Breakfast, wheather someone is presently living at the residence or just maintaining the property, etc. The Planning Board is still awaiting presentation from Applicant.

Training – All (5) members of the ZBA have completed required training for 2020. Very first time ZBA has finished before the PB since NYS Law 2007. CONGRATULATIONS. PB (8) members, (6) completed, (2) members yet to complete 2020 required training.

Motion to Adjourn

8:39 p.m. moved by Karen Thomson, seconded by Hank Bickel, Unanimous.

Respectfully submitted,

Larry

NEXT REGULAR MONTHLY MEETING OCTOBER 27, 2020