



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
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Secretary: Lawrence J. Kesel
1234 Middle Black Brook Rd.

Seneca Falls, NY 13148-9753
Phone: 315-568-5330

Minutes of the meeting: Virtually held on November 24, 2020

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

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

Guests: Brian Bouchard, PE, CHA Consulting
Ryan May, Tyre Resident
David May, Tyre Resident

Open Public Hearing

Following a fifteen-minute delay Chairman Seem opened the very first Virtual Town of Tyre Planning Board Public meeting November 24, 2020 @ 6:45 PM cause microphone issue in the Secretary's office resolved by cell phone to provide audio communication.

Open Public Hearing regarding State Environmental Quality Review, Subdivision, and Site Plan for proposed Dunkin' Donuts store at 1781 State Route 318

Motion, 6:45 open Public Hearing brought by Karen Thomson, seconded by Alan Smith. Brian Bouchard, CHA Consulting presented an update overview of the Dunkin' Donuts Project which began a few years ago, delayed until now due to the New York State Historic importance of the Dr. Thomas Magee House which will remain intact on site. The Dunkin' Donuts Project will be relocated north to another parcel of land. The Site Plan Application and Subdivision applications have been submitted to the Town along with the SEQRA Negative Declaration to be addressed later this evening. Chairman Seem thanked him for the particularly good overview update asking at this time if there were any comments, questions, concerns from the public to unmute and identify yourself. Request was repeated a third time, no response Chairman Seem requested a motion to close the Public Hearing; brought by Henry Bickel second by Deborah Geary.

Roll Call Vote: 7 Yea, 0 Nay, Unanimous

Open Town of Tyre Planning Board monthly meeting

Chairman Seem opened the November 24, 2020 Planning Board meeting @ 7:00 P.M.

Attendance:

All 7 Planning Board members plus 1 Alternate member in attendance.

Public Comments:

Proposed small event venue off East Tyre Road

Ryan and David May introduced themselves as owners of the property on East Tyre Road presenting their intentions to construct a small event Wedding Center in the Agriculture Zoned portion on their property. This was the initial discussion for the proposed use of the property, upon completion the question was raised, “how do we move forward”? Chairman Seem pointed out that the Town of Tyre has no Permitted or Special Use for the proposed event center located up north on agricultural land which is a nicer and more desirable environmental location. Under the present Zoning Law, a proposed action like the event center must be turned down because the specific use is not included in the permitted and special permit uses for the particular zoning district. The Planning Board recognizes there are likely acceptable uses which were not included in the latest revision of the Zoning Law, especially if the uses make Tyre more livable and enhance its economic development while trying to stay in line with the Town’s Comprehensive Plan. In 2017 the Town launched a complete revision of its very old Zoning Law. The 11 person Town of Tyre Zoning Advisory Committee met for a couple years now is apparent we had not addressed all-encompassing issues during the yearlong handpicked 11 person Town of Tyre Zoning Advisory Committee met monthly to discuss, research, and propose a new Zoning Law to the Town Board. The new law was approved in 2018 and in the intervening two years the Planning Board has found changes are still required. Without changes the Town is harming itself by missing opportunities that enhance desirable development and livability in Tyre.

Our Zoning Officer and Engineering staff support are presently reviewing candidates for discussion and appropriate recommendation by the Planning Board. It is very apparent that the Planning Board request the Town Board to initiate a process to propose minor revisions updating the Zoning Law. Chairman Seem suggested the Planning Board hold the application for now until we resolve these issues as we are looking favorably at the opportunity for this venue here in Tyre, NY. Chairman Seem stated we will keep communication lines open and possibly move forward with your venue within the next 6 months or so.

Approval of minutes of prior meeting on October 27, 2020

Motion to accept the October 27, 2020 minutes as issued.

Motion: Kenneth Hauenstein

Seconded: Alan Smith

Oral vote: Unanimous.

Zoning Enforcement Officer Report

Heavy workload and activity again this month

Working with Engineering reviewing escrow accounts

Conducted several on-site inspections

Follow up Zoning code issues

No Permits have been issued since the October 27, 2020 meeting.

Old Business:

Proposed Duncan' Donuts store at 1781 State Route 318, Waterloo, NY

SEQRA, Subdivision, and Site Plan.

SEQRA Resolution

Chairman Seem reminded the Board that the Planning Board reviewed the FEAF Part 2 and the EAF Part 3 narrative attachment, taking no action at our October 27, 2020 meeting. He then called upon Mike Simon, LaBella Associates to review the entire Duncan' Donuts support documents LaBella Site Plan Review, FEAF Part 2, EAF Part 3 and EAF Part 1 sent to involved and interested agencies.

Full Environmental Assessment Form Part 2 Identification of Potential Project Impacts.

Upon completion and addressing all questions, the Board focused on EAF Part 3.

The Project went from a Historic site to improvement location to the north. Narrative Attachment was also reviewed by Mike Simon identifying that the Town of Tyre Planning Board is acting as Lead Agency for the Project. Based upon an assessment of the magnitude and importance of potential impacts, and it is concluded that the action will not have significant adverse impact on the environment. With that, completed information was provided to document issues where small impacts have been identified for the proposed action of the five Impact Questions in the EAF Part 3 Narrative Attachment. Chairman then read the Resolution issuing SEQRA Negative Declaration.

Motion to Adoption the SEQRA Negative Declaration Resolution was brought by Henry Bickel, seconded by Alan Smith.

RESOLUTION OF THE TYRE PLANNING BOARD ISSUING SEQRA
 NEGATIVE DECLARATION FOR THE PROPOSAL TO CONSTRUCT A NEW
 “DUNKIN’ DONUTS” RESTAURANT ON NYS ROUTE 318

OCTOBER 27, 2020

Roll call vote as follows

RESOLUTION OF THE TYRE PLANNING BOARD ISSUING SEQRA
 NEGATIVE DECLARATION FOR THE PROPOSAL TO CONSTRUCT A NEW
 “DUNKIN’ DONUTS” RESTAURANT ON NYS ROUTE 318

OCTOBER 27, 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 regarding the Dunkin’ Donuts SEQRA was thereupon duly adopted.

Minor Subdivision Resolution

Chairman Seem reviewed the Minor Subdivision Resolution indicating a required adjustment to the relocated parcel frontage now on NYS Route 414 was under the required 150 feet. In addition to the Site Plan Application, the Applicant also filed a minor subdivision application to adjust the property from 144 feet of frontage to 150 feet of frontage.

Adoption of the Resolution was brought by Karen Thomson, seconded by Henry Bickel.

RESOLUTION OF THE PLANNING BOARD APPROVING THE
 MINOR SUBDIVISION RELATING TO THE APPLICATION FOR THE
 PROPOSAL TO CONSTRUCT A NEW “DUNKIN’ DONUTS”
 REATERAUNT ON NYS ROUTE 318

OCTOBER 27, 2020

Minor Subdivision Resolution continues next page

October 27, 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 regarding the Dunkin' Donuts Minor Subdivision was thereupon duly adopted.

Site Plan Application Resolution

Chairman Seem thanked Mike Simon and LaBella Engineering for carefully abetting the most recent Site Plan submission and supporting materials provided by CHA for the proposed Dunkin' Donuts at 1784 State Route 318. The Seneca County Planning Board pursuant to NY General Municipal Law Section 239-m has recommended approval of the Application. Mike Simon presented an overview of the 15 conditions that we have included in this Resolution. Chairman Seem completed his review of the Site Plan Resolution. Atty. Donald Young reviewed the importance of the conditions in the Resolution. With no unanswered questions or comments Chairman asked for someone to move the Site Plan Application Resolution.

Adoption of the Resolution was brought by Alan Smith, seconded by Deborah Geary.

Roll call vote follows:

RESOLUTION OF THE TYRE PLANNING BOARD APPROVING THE SITE
PLAN APPLICATION FOR THE PROPOSAL TO CONSTRUCT A NEW
"DUNCAN' DONUTS" RESTERAUNT ON NYS ROUTE 318

OCTOBER 27, 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 regarding the Dunkin' Donuts Site Plan Application was thereupon duly adopted.

Update on request to Town Board for Zoning Law update

Chairman Seem thought we had good discussions tonight pretty much covering the importance of updating the Zoning Law during the initial overview earlier of Ryan & David May proposed event venue. We need to keep the Town Board continuing this and perhaps moving on it. We have ample reason as to why we should continue to pursue updating the Zoning Law. Do not think anything would discourage them from this task. The discussions we had last month regarding the Airbnb located at May's Point is another solid candidate to support the need for this important Zoning Law update task.

New Business

Discussion regarding the East Tyre Road event center.

Chairman Seem pointed out that we also pretty much covered the importance of updating the Tyre Zoning Law with the May Brothers during the initial discussion earlier this evening to construct a small Wedding event venue on their East Tyre Road property. Recommend we hold the application for now until we resolve these updating issues as we are looking favorably at the opportunity for this venue.

In addition, discussions we held last month regarding the need to update the Zoning Law is also supported by the Airbnb operation at Mays Point.

Correspondence

No new correspondence received.

Training

Training opportunities have been beneficial this year in the form of webinars which have been easy to access providing opportunities to acquire many training hours. This increased webinar activity is a direct result of the COVID-19 pandemic which might just continue well into next year.

Motion to Adjourn

8:15 pm moved by Henry Bickel, seconded by Karen Thomson, Unanimous

Respectfully submitted,

Larry

Lawrence J. Kesel

Town of Tyre Planning Board Secretary

**HAVE A MERRY CHRISTMAS & HAPPY NEW YEAR
AT HOME EVERYONE - SEE YOU 1/26/ 2021**