

DRAFT
MINUTES FOR THE
YATES COUNTY PLANNING BOARD MEETING
MARCH 25, 2010

PRESENT: Kevin North; Sandra King; Alan Snyder; Dave Christiansen; Chuck Mitchell; John Sawers, and Marilyn Scharf.

Others in Attendance: Donald House, Yates County Legislator; Steve Griffin, EDC; Mr. Grover; John Griffin; Gerald Luskis, Nixon Peabody; Sarah Purdy, County Administrator; Shawna Bonshak, County Planner, and Karen Phillips, Recording Secretary.

CALL TO ORDER:

The meeting was called to order at 7:00 p.m.

APPROVAL OF MINUTES:

Sandra King made a motion to approve the January 28, 2010 meeting minutes. John Sawers seconded the motion. All were in favor.

CONSIDER GML 239 REFERRALS:

2010-5 – Floyd and Sylvia Grover, 59 Gilbert Street, Village of Rushville; Special use permit to allow a combination of recreational farm animals.

Mrs. Bonshak reported that we tabled this referral back in January because there wasn't enough information, which we have now received from Amanda Grover.

Mr. Sawers stated he went to the ZBA meeting and there were pros and cons. There were letters of concerns about sanitary problems with the Village being where it is down in the valley. The use class hasn't changed; people are still allowed to have one horse. The biggest concern was that the owners wanted a blanket permit in order to make the house more sellable and there are a lot of concerns on what may happen if someone buys a place. How would they handle the aftermath of the application if it was approved. They have a smoke ordinance for burning in the Village and now they are concerned about the smell and the run-off down into the creek. It has changed a lot since they submitted the application. They only started wanting a few horses, but now they want sheep, goats, etc. It is no longer recreational, and it's almost like a farm. Mr. North asked if the residents in the immediate area are on city water and Mr. Sawers stated they are. This property consists of 15 acres. Mr. Christiansen noted that a recommendation came through from Cornell on what animals can be put on 15 acres safely; that seems light to him and he sees no problems with that. Mr. Sawers said there weren't problems with that recommendation from Cornell, but the residents in the area are worried about their welfare; what happens if one of these animals get loose

and how are they going to keep them in; there's no buildings or fences there now. It was noted that if someone puts animals there, they are going to put up fencing, buildings, etc. Ms. Bonshak noted that in the application it states that fencing will be placed 15 ft. from the property line and the animals will be in the back 12-acre field which is bordered by woods or farmland on three sides. They will not be able to get loose and wander out of the area. We don't even know if anyone wants to do this, it is to just help sell the property. Mr. Sawers stated that the new zoning that is going in would not allow any farm animals in the Village of Rushville, so that is another concern. Ms. King stated that she will be abstaining from voting on this, one of the issues is because it's a beautiful piece of property that has 15 acres; it doesn't have any agricultural exemptions on it and the taxes are astronomical. When you bring someone in to look at the property, they are undoubtedly going to question if they can have a horse or this and that on the property. They are doing this to try and make it more marketable for both the Grover's and for the buyer's benefit as well. They own the 15 acres and she doesn't think it's unreasonable; the amount of animals that they are talking to be allowed to put on 5 acres is not unrealistic. She said that as far as the concern about the animals getting loose and the fact that there's no fences or buildings there now, if someone is going to bring an animal they are going to build a barn and put up fences and things like that. She said she doesn't think it's an unreasonable request to allow people to have this use of their property. Mr. Sawers said they already have animals (goats) in the Village that were brought in illegally, and they are trying to control what can be brought into the Village of Rushville because there doesn't seem to be too much concern about the residents of Rushville. Mr. Christiansen said if they are brought in illegally there can be recourse, but these people are trying to do it legally within the parameters. Mr. Sawers said he heard them talk about possibly allowing two horses, but when they got into asking about geese and sheep and chickens, it started getting out of hand. Mr. Christiansen noted that if you read the letter from Cornell and what he is recommending it would be easily reasonable. If we decide to approve this, Rushville can put in a stipulation. Mr. Sawers then said the ZBA had listed four items – 3 horses, 3-5 sheep, 3-5 goats, and 3 alpacas but only one of those and not all of them. Mr. Christiansen said six animals on 15 acres are not excessive at all. Mr. Sawers said that it's not a question of whether the land can take it or not, it's just whether they want it in the Village of Rushville or not. Mr. North said it's going to end up being up to Rushville. Mr. Christiansen said we do have to be careful, because people have property and it needs to be marketable, and we're going to set laws where they are paying a large amount of taxes without exemptions and here it sits and we can't do much with it.

Ms. King said that it would be a beautiful set up to be able to come in there and have a couple of horses there, and we're not talking about two horses on a half acre of land. There's 13 acres behind the house, it's on town water, and there's not any issues as far as ground water contamination, so it makes the property more marketable. It is on the very edge of the Village. All 15 acres are in the Village of Rushville. Part is C-1, but it's down towards the road. Most of it is R-1 district.

Mr. Christiansen made a motion that this has no inter-community and no countywide impact with the recommendation that the Village consider the buyer's request for the recreational residential aspect. Marilyn Scharf stated that it's really up to the Village of Rushville on what they decide to do with this. Chuck Mitchell seconded the motion. 4 members were in favor of the motion. 2 members recused from the motion and 1 member was not in favor.

2010-14 – Upstate Cellular Network d/b/a Verizon Wireless, 2544 Havens Corners Road, Town of Benton; Site Plan approval for the co-location of a wireless telecommunications facility on the existing tower.

Mr. Mitchell asked why this was coming to us. Mrs. Bonshak stated the reason was because they require a site plan and it's a town requirement that they come in for it; therefore, since it is a county road, we see this. A building will be going in also for the equipment. The equipment shelter is at the bottom of the tower in a 12 X 30 building. They will be using the existing fence, driveway, etc. They will be leasing space from the existing tower. This has not gone to the Benton ZBA, but they are all in favor of the tower in the town because there is no cell reception.

Ms. King made a motion to approve this application. It does have countywide impact from a public safety standpoint and it will give better reception in the Town of Benton. The Town of Benton is agreeable to it and they will have final say on it. Mr. North seconded the motion. All were in favor.

2010-15 – Village of Dundee. Proposal to amend the Town's subdivision Law by adopting a lot line adjustment exemption to the subdivision process.

They would like the Code Enforcement Officer to have the ability to do lot line adjustments.

Mr. Mitchell made a motion to accept this amendment. Ms. King seconded the motion. All were in favor.

2010-16 – Town of Torrey. The Town of Torrey Board proposes Local Law 01-10 entitled "Flood Damage Prevention".

Mr. North stated it looks like they did some work to put this down in black and white. Mrs. Bonshak noted they had nothing in reference to flood mitigation and ways to prevent damage. It's mostly in reference to actual construction and gives some standards for construction in flood prone areas. Ms. King asked if they put a committee together to do this. Mr. Christiansen said this was pretty much done before he got on the Planning Board. Ms. King asked if they pulled this from another Town's law. Mr. Christiansen said they pretty much followed the guidelines on it.

Ms. King made a motion to approve this application. Mr. Snyder seconded the motion. All were in favor.

2010-17 – Finger Lakes Economic Development Center, 25 Powell Lane (Data Listing Call Center), Village of Penn Yan. Site plan approval for a parking lot expansion.

Steve Griffin stated he is here to ask for a site plan approval for a parking lot that they are having constructed for the Call Center, a/k/a The Connection at the former Iron Age building. This parcel is to the

right of Iron Age on the vacant land across Powell Lane and it is roughly two acres. They can't use all of it because there is a creek that runs in the back. They have had a great amount of cooperation from the Village and the County to have this go forward and it's saved some time and stress. It is great for the area. He noted he is here tonight to get the process going through on the site plan approval for roughly 200 parking spots. They were originally planning on 231, but they had to come back and put in a retention pond in the front corner which took up approximately 20 spots. They are now down to 207 spaces. Mr. North stated this is good, because this is where we wanted to see development. Mr. Christiansen asked if there is more land nearby for additional parking. Mr. Griffin noted they are constantly looking for what that could be and right now Plan B currently is to start paving the lot that the current box lacrosse field is at. It actually moves to the west and they have had preliminary talks of that property. They don't want to encroach if they don't have to, with that field. He noted he's had discussion with the lacrosse group about the amount of traffic that is starting to come in and out of the industrial park. It still is a perfect spot for it, but the good news is that the industrial park is starting to become one. They have preliminary plans that show another 90 spots sort of making the lacrosse box field an island surrounded by pavement (parking lot). He noted he's hoping they will be able to work with the current building owner of 240 North Avenue to find some alternative to utilize the front area that he has. It is not ideal because it will actually force the employees to walk along Powell Lane. The way that the interior is set up of the Call Center itself, they are tucked up to the top corner of the building and the entrance is right there and because of the requirements of some of the customers, the only way the employees can get in is through the front door, so even if they come in the main part of the larger building, they don't have access to get where they have to be for security reasons. That will be one of the future challenges, but they are going to be spending a lot of money on Phase 2 of the parking lot.

Mr. Christiansen asked if the retention pond would end up in Jacob's brook. Mr. Griffin said he believes it is heading down towards another retention pond as you enter the corporate park. It is making its way from that retention pond down to the next retention pond, staying away from the creek. Ms. Bonshak said it will not outfall into the creek. There may be some overflow, but it is not direct discharge. Mr. Mitchell stated it almost has to go into Jacob's brook because it slopes that way.

Mr. Mitchell asked Mr. Griffin if the lights will only shine down and the answer was yes.

The Call Center will be open 24 hrs, seven days a week. They are taking incoming calls from everywhere, so their shifts literally follow the sun. They have people starting every hour. Mr. Christiansen stated that would eliminate some of the parking problem. Mr. Griffin said the main flow of traffic will be during training sessions. On April 5th they are planning on having somewhere around 110 people just at the 10:00 a.m. training slot.

Mr. Mitchell made a motion to approve the site plan approval. Ms. King seconded the motion. All were in favor.

2010-18 – Donald Zelazny, 16 Maiden Lane, Village of Penn Yan; Area Variance for signage associated with a restaurant (La Cocina).

Mrs. Bonshak noted they are allowed one sign and they are asking for an additional sign. He wants the hanging sign to be bigger – 3 X 3. There is a sign on the building and the new one will be hanging perpendicular to the building.

Ms. King made a motion to approve this. It is something that is out there to promote private business and their restaurant. Mr. Mitchell seconded the motion. All were in favor.

COMMUNICATIONS:

Mrs. Bonshak stated she had sent the annual report in the packet from 2009 and asked if anyone had any questions. A few members' terms have expired and Shawna noted she would do a resolution to the Legislature.

Mr. Mitchell stated there are a few things he would like to see on the applications. The question he often has is why these applications are coming to us. He suggested that possibly Ms. Bonshak could add a comment to the application; the person writing these referrals out don't necessarily know what we are looking for. He also requested that two aerial pictures be made – one larger than what it already is. If the pictures could be taken from further out so it showed buildings and the whole lot they would have a better feel for what is going on. Ms. Bonshak noted that when she worked in Maryland, she would prepare a brief memo on every referral because it was helpful to everyone. Mr. Christiansen suggested having the zoning officer provide more explanation on the front page. Ms. King suggested this concern be brought up at the code meeting. Ms. Bonshak agreed that it would be helpful to have some things spelled out. Mr. North noted that is why we encourage the applicants to come forward and speak up.

Mrs. Bonshak stated that the letter that goes to the applicant was changed last month. The letter sent in the past was basically a memo that didn't really ask them to be here, it just stated that it wasn't necessary to be in attendance, but the new letter encourages them strongly to attend to answer questions. Hopefully that will help. Ms. King noted that the Town of Potter strongly encourages them to attend.

Mrs. Bonshak reported that we have talked about amending the exemption agreement in past meetings. In her memo, dated February 18, 2010, she indicated that she believes the current agreement should remain, but felt we could also consider the addition of exemptions for single residential site plan approvals. Possibly with the caveat that it's not in a special district or it's not along the lake, i.e. Middlesex has pretty significant slopes along the lake and it might be better if we saw those single family residentials. She said we may want to consider setback variances, excluding those if they are sheds. Ms. King said it's a waste of the applicant's time and our time when it's something that is strictly a concern of the town for sheds and the code enforcement officers are going to be looking at that. Mr. Christiansen asked if we could put in a size for a shed in the exemption. Ms. King said she believes some of this should be thrown back on the Town Planning Boards to decide if it has countywide impact. Why are we looking at some of this stuff, which is what we are trying to limit. Mr. Mitchell suggested exempting things that don't have a foundation, which would eliminate accessory structures. Mr. Christiansen said it may be enough to say it that way. Ms.

Bonshak said there would still need to be a size for an accessory structure. Ms. King said that could come back on the code enforcement officer. If they feel something needs to come to the County Planning board, it could still be sent. John Griffin stated that in the Town of Benton they are guided by the Town Laws. He noted that the County has to decide what they want to see. If you let the Planning Board decide it has to go to the County then you miss your ZBA. In Benton, it flows pretty well and there's not really a time constraint. Everything is put in place, it's sent to the county and then it goes to the Benton Planning Board. The stuff that does have to go to the County is ready earlier and it gets finalized at the ZBA meeting the first Tuesday of the next month. Mr. Christiansen suggested taking what Ms. Bonshak suggests and exempting sheds (12 X 16) and single car garages. Anything larger should come to us. It was also suggested to add minor lot line adjustments and then we would clarify, because we see a lot of subdivisions. Ms. King stated she believes the Towns should handle that, as long as they are within the town's requirements for size. The Towns always have the option to send them to us for review, but they don't have to. Minor lot line adjustments and minor subdivisions that create no more than two lots, as long as they create a conforming lot, were also added. Mrs. Bonshak noted that a lot of the exemptions that she found in reference to accessory structures clarify that they are exempt as long as they are not being moved closer to a county or state road. That could have some impact, but it should be clarified.

Ms. King stated that Ontario County exempts all permits and variances regarding signs just like the one that came in for the Village for the sign. She asked if it's necessary to come into the County Planning Board for review or is this something that we could put on the exemption list. Mr. Mitchell noted that Towns probably have regulations on what signs and there are probably exclusions for temporary signs.

Ms. Bonshak noted that Ontario County has a subdivision of land into two lots that meet all local municipal code requirements, which is a good way to word that. Livingston County has one for temporary structures and signs, but we don't seem to get many of those. Livingston has in there variances improvements for illuminated signs. That would be a good exemption, and again there is always the option to forward something to us if they are questioning it, but it's not like they have to. Mr. Mitchell noted his personal preference would be to take signs out of there so we would continue to see them. If someone wants to put up big ugly billboard signs and the Town doesn't want to do it, we can still back them up.

Mr. Christiansen stated he believes that would be good for now, and the rest would probably be good to see. John Griffin suggested sending a list of things that the Planning Board does want to see to give them a better view of what the scope of it is and so that they can see the things that are coming in so they know it's already gone through the system.

Ms. Bonshak stated she would amend the exemption list so that it can be reviewed at the next month's meeting.

ADJOURNMENT:

Mr. Mitchell made a motion to adjourn the meeting at 8:00 p.m. Mr. Christiansen seconded the motion. All were in favor.