

Draft

YATES COUNTY PLANNING BOARD MEETING February 23, 2023

PRESENT: Moberg, Sutterby, Sisson, Hullings, Degner, Gilman, Landcastle, Hall, Miller and Fulkerson

EXCUSED: Danielson, Strickland and Dowse

ABSENT: Davis and Ferry

Also Present: Steve Fantuzzo (Applicant), Will & Susan Knepple (Applicant), John Christensen (Chronicle Express), Matt & Brandi Long (Representing Applicant), Stephen Nolt (Applicant), Jeffrey Ayers (Yates County Planner), and Brenda Lloyd (Recording Secretary)

CALL TO ORDER: Sutterby called the meeting at 6:59 p.m. with the Pledge of Allegiance.

APPROVAL OF MINUTES:

A motion was made to approve the minutes from the November 17th meeting by Sisson, seconded by Gilman. All in favor. Motion approved.

CONSIDERATION OF GML 239 REFERRALS

2023-01 Village of Penn Yan. Applicant, Will Knepple. 201 Clinton Street, Penn Yan, NY 14527. Site address: 270 Lake Street, Suites 14 & 15, Penn Yan, NY 14527. *Site Plan.* Applicant proposes a new business – Offices for Best Man Home Services and Higher Standard Cleaners.

Will Knepple explained how his company, Best Man Home Services, has outgrown their current location. He is planning to use the front of Suite 14 for offices for both businesses and Suite 15 for storage of supplies and tools for the handyman business. This location was needed for parking and will give the business the opportunity to grow. Higher Standard Cleaners does house cleaning, linens, and a few commercial spaces. Sisson asked if all the changes were being made on the inside. Knepple replied that there were no changes on the outside other than possibly a sign with the company name. Sutterby stated that if they were to put up a sign, it would have to be taken to the Village for approval. Knepple stated he was aware of the Village regulations regarding signage. Hullings asked if there was a washer and dryer on site to clean the linens. Knepple responded that there is currently a washer and dryer and they may have to expand to up to 3 washers and dryers. Fulkerson mentioned that the extra washer and dryer were not on the application under description and wanted to make sure it was added prior to the public hearing.

Sisson made a motion to the Board: That under GML 239 the application as presented has a positive countywide impact. Hall seconded. All in favor. Motion approved.

2023-02 Town of Torrey. Applicant, Stephen Nolt. 1024 Nutt Road, Penn Yan, NY 14527. *Special Use Permit.* Applicant wishes to construct a 60' x 96' pole style building for warehousing of construction equipment and/or materials for Nolt Construction.

Stephen Nolt explained that he owns a construction business and currently stores his equipment and inventory outdoors but would like to move it indoors. Sutterby asked if it would be used for customers. Nolt replied that it would mainly be used for storage but that his business office would be in there, and that if customers needed to meet they could meet there, but that generally they meet onsite. Nolt mentioned that it will have concrete floors and will help clean up his property a lot. He has no plans for a sign. Building will be just West of the house, about 200' and the same distance from the road as the house.

Moberg made a motion to the Board: That under GML 239 the application as presented has no significant countywide impact. Gilman seconded. All in favor. Motion approved.

2023-03 Village of Rushville. Applicant, Village of Rushville. 1 South Main Street, PO Box 51, Rushville, NY 14544. *Other-Comprehensive Plan Adoption.* The Village of Rushville Board of Trustees is looking to adopt the Village of Rushville Comprehensive Plan. The Plan draft is being referred to Yates County for review. The Village of Rushville has also referred the draft plan to Ontario County Planning Board on January 26, 2023 for review.

Landcastle mentioned that the font was not legible. It was suggested to choose a better font. Landcastle stated that the previous Comprehensive Plan was dated 1965 and in need of updating, they want to rezone the Village and bring it back to life. This is the first step to getting people invested in the community. Hullings asked if there was anything being done to try and preserve the bank. Gilman replied that yes they are. They had a petition out that has over 700 signatures and Mayor David LeClair was going to bring that along with letters from multiple people to the bank. Hullings mentioned that a lot of people use the bank and that it is a huge asset to the Village. Landcastle stated that there is another small Village that is also going to lose their Community Bank. Fulkerson mentioned to make sure that the Compatible Uses include section is consistent with the zoning regulations and special use permitting within the district. Landcastle responded that the Village was once rezoned without changing the Comprehensive Plan, making them not match.

Sisson made a motion to the Board: That under GML 239 the application as presented has a positive countywide impact. Sutterby seconded. 9 in favor. 1 abstained. Motion approved.

2023-04 Town of Middlesex. Applicant, Blue Sky Towers III, LLC and Bell Atlantic Mobile Systems, LLC (dba Verizon Wireless) by Nixon Peabody LLP. 300 Clinton Square, Rochester, NY 14604. Site address: 00 Town Line Road, Middlesex, NY 14544. *Area Variance, Special Use Permit & Site Plan.* Applicant wishes to construct and operate a 150' wireless telecommunications tower (plus 4' lightning rod) and associated improvements.

Steve Fantuzzo with Nixon Peabody explained the cell tower project on Town Line Road in Middlesex. Engineers put together search rings and see where there are coverage and capacity issues and see where they can hit a gap. They were able to come to a lease agreement with the property owner and think it is a good site. They try to get the minimum height as possible. 150' is basically the minimum. Site plan is going to be before the Zoning Board of Appeals for a height variance. Moberg asked how this will affect the 2 residences that are within 200' of the tower. Fantuzzo responded that he thinks they will have improved services. Landcastle stated that the Village Fire Department is right down the road and you can't use your cellphone in the building. You have to go outside to get any service. Not having service is a safety concern. Fulkerson asked if this will give service to residents that don't currently have service. Fantuzzo responded that Blue Sky is building the site, but there is the ability for other companies to use that tower space and hopefully hit as many people as possible. Hullings asked if it was going to be in the open field or if they would be cutting down trees. Fantuzzo replied that it was going to be right in the clearing in front and should only need to remove one tree on the 100' x 100' parcel they are leasing. Moberg stated that the field is currently a small animal pasture.

Sisson made a motion to the Board: That under GML 239 the application as presented has a positive countywide impact. Gilman seconded. All in favor. Motion approved.

2023-05 Town of Jerusalem. Applicant, Dan & Jane Nielsen. 2773 County House Woods Road, Keuka Park, NY 14478. Site address: 2231 West Lake Road, Penn Yan, NY 14527. *Area Variance.* Applicant is building a single family home. Requesting a rear setback of 24.75' from the road for a retaining wall, where 44.75' is required. Also requesting lot coverage of 24.86% where 20% is allowed.

Brandi Long, a representative for the Nielsen's, explained that they are building a single family residence. Sutterby asked if the rear setback would be used for the 3 parking spots. Long confirmed that they would be used to keep the cars off the road for safety purposes. Fulkerson stated that what they are asking for seems consistent with surrounding properties.

Fulkerson made a motion to the Board: That under GML 239 the application as presented has no significant countywide impact. Landcastle seconded. 9 in favor. 1 abstained. Motion approved.

2023-06 Town of Benton. Applicant, Saturn Power (Adam Rowles). 14 Foundry Street, Baden, Ontario N3A 2P7. Site address: 848 Route 14A, Penn Yan, NY 14527. *Special Use Permit & Site Plan.* 5MW Community Solar Farm.

Applicant postponed the submission for a month hoping he can address the questions put forth by Yates County Soil and Water. He also hopes to have a viewshed analysis done prior to the next meeting.

2023-07 Town of Benton. Applicant, Saturn Power (Adam Rowles). 14 Foundry Street, Baden, Ontario N3A 2P7. Site address: 432 N. Flat Street, Penn Yan, NY 14527. *Special Use Permit & Site Plan.* 26 Acre 5MW Community Solar Farm.

Applicant postponed the submission for a month hoping he can address the questions put forth by Yates County Soil and Water. He also hopes to have a viewshed analysis done prior to the next meeting.

COMMUNICATIONS: There is an upcoming in-person training in Ontario County in April, 2 sessions, no date or time yet.

A meeting cancellation due to weather is different than when there is no quorum. When we don't have a quorum Jeff can make a determination on the applications, when we cancel due to weather he is unable to make a determination. Discussed looking into a possible resolutions.

Discussed the importance of local boards meeting after our determination. If a referral comes to us and a local determination has already been made, we should reject the application. Suggested by two other counties.

Jeff is working on a map of the County that lays out all the areas where applications need to come before the board.

Discussion regarding reviewing the current list of town exemptions.

2023 Municipal Bootcamp Trainings – some of the trainings will be offered in the chambers prior to the meeting. Including next month's training, Managing the Development of Solar Projects After Planning and Zoning Approvals on March 23rd at 6pm

OLD BUSINESS: None

MEMBER REPORTS: None

NEW BUSINESS: Election of New Board Officers

Caryl Sutterby was elected as Chair via a motion put forward by Landcastle, seconded by Hullings. All in favor. Jamie Sisson was elected as Vice Chair via a motion put forward by Sutterby, seconded by Landcastle. All in favor.

ADJOURNMENT: Fulkerson made the motion to adjourn the meeting at 7:56 p.m. Sisson seconded. All in favor.