

**Planning Board Minutes  
June 6, 2019**

**Planning Board Members Present:** Fred Fink, Daniel Compton, Matt Rogers, Fran Overmoyer, Michael Donohoe, Steve Lester. Absent: Julie Pellett, & Alternate Michael Woodruff.

**Others Present:** Kimberly Rayburn (Secretary), James Kier (Building & Zoning), Brennan Marks (Agent for Spencer) David Spencer (Owner), John & Esther Dillman (neighbor, Oakmount Rd)

**Fink opened the public hearing at 7:30 pm, the public notice was read.**

**I. 7:30 pm TSP2-19 Special Use Permit Mini Storage Owner David Spencer (agent) Brennan Marks of Marks Engineering** property located at 7203 St Rts 5&20. Tax map # 80.00-1-31.000

This is an allowable use with an approved Special Use Permit per Article X section 135-68

Brennan Marks addressed the Board, he provided new maps and answers to questions the Board and Thornton Engineering had. As discussed in prior meetings the site will have crusher run for better drainage with a thirty (30) foot paved apron entering the property. The Town Engineer also feels this is a better option than a paved surface. The typo is now fixed on the plans removing asphalt surface replacing with crusher run hard packed surface. As per suggested by Thornton Engineering weeps have been added to the catch basins. The pole is accurately located on the map with dimensions provided. They have increased the radius to twenty-five (25) feet around the structures, and a thirty-three (33) foot radius on the entrance for fire access, although it is not required. The outside storage dimensions are 157.5 x 18.5 this will be for cars, RV's and boats whatever will fit in the small space. Marks went on to explain their proposed screening, they have provided northern green arborvitaes on the South and North edge of the proposed gravel parking. Another set is proposed on the western side of the property and stopping short of the RG&E substation fencing. Marks discussed fencing; they did not have it in the plan they felt the arborvitaes would be a better natural buffer. There are extremely steep slopes on both the north and south side of this proposed area, there is a five (5) foot landing area between the top of the bank and the property line and they will plant the arborvitaes on that. Spot elevations are now on the map, run off rates have been added and storm water management includes underground storage that will be cutting current flows down and has been accepted by the NYS DOT. There will be no stock piling of top soil, it will be removed offsite. Notes have been updated, the ground disturbance will be kept to under one (1) acre, therefore there is no need for a storm water prevention pond. They have labeled the iso foot candles for lighting, and gave an outline of the hours of operation.

Marks quickly reviewed the Ontario County comments. One of the comments pertained to the downspouts Marks would like them to be disconnected to allow the water to run across the gravel before it drops into the inlet, Overmoyer stated that it would be better if the downspouts were hard piped into the connection tunnel as snow plows can easily take out disconnected downspouts.

A more detailed conversation was held on the buffering, fencing and hours of operation. Overmoyer stated that deer eat arborvitaes, Spencer stated that Green Giant arborvitaes are the only kind they do not eat.

Compton asked about the hours of operation. He stated if you're going to have hours of operation then you have to be able to enforce them. Spencer is proposing a 7 am to 7 pm time frame. Compton also stated that the driveway could be gated, to limit access which would also require a fence. He stated the arborvitaes on the South side could be eliminated and a slated fence could be erected for a more effective buffer and protection of the property. Marks, stated that. Overmoyer stated that you can stop vehicular access by just putting a gate across the driveway. Rogers stated that the Big Mini Storage is gated and requires a code for entry. John Dillman stated that Bloomfield Mini Storage is fully gated and there are no posted hours of operation, if you are a renter you can have access to the facility 24/7. The Big Mini Storage is also fully fenced and the hours of operation are 6 am to 10 pm. Dillman also stated that on the south side of the property there is a private drive that is an access road for RG&E, the concern is vehicles will use this access to get into the storage facility both day and night as there have been people dumping garbage there now and they have had some theft. The Dillman's are concerned that by adding the storage facility it could prompt more usage of that road.

Dillman stated they would prefer a light blocking fence on the South side for a light blocking buffer and safety of the property over arborvitae. Overmoyer mentioned and Marks explained that the elevation change from the site to that portion of the property is slanted and varies in heights from four (4) to six (6) feet with a forty-five (45) degree angle slope with dry stack stone on it. The light glare from vehicles would be minimal. A discussion was held and it was decided that a privacy fence will be erected and it will be a shadow box fence six (6) foot high. There will be a gate across the driveway for security during off hours.

Dillman also wanted an explanation on the height of the structures, he doesn't see a reason why they need to be twenty-four (24) feet in height. Marks stated that the plan says twenty-four (24) for flexibility, the structures will most likely have ten (10) foot eaves and be of pole barn construction with 6/12 roof. Marks stated they will be around eighteen (18) foot in height. This was put in incase Spencer wanted to have twelve-foot doors. The code allows for a structure to be a maximum of thirty-five (35) feet in height. Dillman stated that by allowing a taller structure you are opening the door to allow a different class of equipment that can be stored in this facility, the Board stated its allowed in the code.

Compton asked about the lighting they will be on the building and they will not be on during off hours, they are downward facing and dark sky compliant, Overmoyer stated that with the elevation change this will not be a concern as the Dillmans will be looking over the top of the buildings if they were at twenty (20) foot in height, and the lights will be lower than the retaining wall and the shadow box fence.

Compton asked Kier if Trost from the DOT had a response about a traffic study, Kier said they didn't have much to say about it. Its not a State Rd. Marks stated that they measure traffic by usage so they start to care until around 50 cars.

The Dillmans stated that they feel the run-off is still an issue. Overmoyer stated that the DOT stated that the runoff will be less post construction than it was pre construction and the Town Engineer has reviewed it.

Compton made a motion and Overmoyer seconded the motion to close the public hearing. All Board members in attendance voted aye.

The Board reviewed SEQR, Overmoyer made a motion and Rogers seconded the motion to declare SEQR an unlisted action with a negative declaration. All Board members present voted aye.

A brief conversation was held on the current condition of the property, Spencer was told to remove debris from the property that is not DEC approved. The Town has a no stockpiling code. Kier informed Spencer that no wood or wood pallets cannot be buried.

**Compton made a motion and Donohoe seconded the motion to approve TSP2-19 Special Use Permit for a Mini Storage. Owner David Spencer (agent) Brennan Marks of Marks Engineering property located at 7203 St Rts 5&20. Tax map # 80.00-1-31.000**

**Whereas:**

1. The Planning Board waves the requirement of a paved surface, and with the recommendation of Thornton Engineering, a hard-packed gravel surface will help with drainage.
2. The downspouts will be direct piped to the drainage system and not be detached.
2. A gated entrance will be provided
3. On the South boarder a shadow box type privacy fence at a minimum of six (6) feet that conforms to zoning requirements will be erected to protect the neighbors.
4. The site will be maintained by state and local laws
5. Hours of operation will be from 7 am to 9 pm
6. Signage- on the fence will be clear and visible with the hours of operations and a no trespassing sign. All other signage will be code compliant.
7. A final set of drawings will be provided to the Town before a building permit is approved.

**Record of Vote:**

**Fink Aye Compton Aye Overmoyer Aye Rogers Aye Lester Aye Donahoe Aye  
All Board members present voted Aye, Vote was carried unanimously.**

**II. TW2-19 Lot line adjustment for Ann Nesbitt 2179 Pond Rd** tax # 54.00-1-56.310 Ann would like move the north line of the 6-acre house parcel 25 feet to the north annexing into the property with the barn so the existing driveway and well will be on the house parcel.

Ann Nesbit and her daughter Sherri Shanks were here to discuss the lot line adjustment, they reiterated that Ann would like move the north line of the 6-acre parcel with the house 25 feet to the north annexing into the adjacent property with a barn so the existing driveway and well will be on the house parcel and also leave access to the barn on the house parcel.

**SEQR Review ~ Overmoyer made a motion and Donohoe seconded the motion to declare SEQR Type II, no further action required.**

**Overmoyer made a motion and Rogers seconded the motion to forward to approve the parcel lot line adjustment # TW2-19 Owner, Ann Nesbitt 2179 Pond Rd tax # 54.00-1-56.310 move the north line of the 6-acre parcel with existing home 25 feet to the north annexing into the property with the barn so the existing driveway to access Nesbitt's barn and well will be on the house parcel.**

**Record of Vote:**

**Fink Aye Compton Aye Overmoyer Aye Rogers Aye Lester Aye Donahoe Aye  
All Board members present voted Aye, Vote was carried unanimously.**

**III. TV6-19 Review for an addition onto a pre-existing non-conforming structure**

Review TV6-19, property located at 7781 St Rts 5&20 for Owner Mark Brassie has applied for an expansion to a non-conforming structure.

Brassie stated that he is proposing a twelve-foot (12) shed addition onto the rear of an existing barn for storage of normal residential equipment. Fink stated they will be passing this application along to the Zoning Board and also stated that they typically look at the project to see if the request will be making the non-conformance any worse before giving the Zoning Board their advisory opinion. He asked the Board for input, Compton stated its pretty straight forward, Fink stated it does not increase the non-conformity and also does not encroach on any setbacks any further in any direction.

**Rogers made a motion and Lester seconded the motion to forward to the ZBA application #TV6-19 addition onto a pre-existing non-conforming structure. Property located at 7781 St Rts 5&20 for Owner Mark Brassie**

**Whereas:**

1. The proposed does not increase the non-conformity and also does not encroach on any setbacks any further in any direction.

**Record of Vote:**

**Fink Aye Compton Aye Overmoyer Aye Rogers Aye Lester Aye Donahoe Aye  
All Board members present voted Aye, Vote was carried unanimously.**

**III. Discussion:**

Compton wanted to discuss the possibility of getting the speed reduced on State Rts 5&20 from the bridge before ground water to the Town/Village line. He feels there is a safety concern with distracted drivers at this speed. There a lot of new business in this area that have increased the Commercial footprint and with that comes signage. There a lot of tractor trailers that travel this Rd as well. He stated that the DOT is doing a traffic study now and asked who is allowed to obtain this information. He acknowledged the fact that the State may say no, however the Town should do its due diligence in case there ever is an issue on this section of 5&20.

**IV. Minutes:**

**Minutes of May 16, 2019**

**Overmoyer made a motion and Rogers seconded the motion to approve the minutes 5/16/2019  
All board members present voted Aye, Vote was carried unanimously.**

**VI. Meeting Adjourned:**

**Overmoyer made a motion and Lester seconded the motion to close the meeting @ 9:30 pm.  
All Board members present voted Aye, Vote was carried unanimously.**

Respectfully submitted,

Kimberly Rayburn  
Planning & Zoning Board Secretary