

**Planning Board Minutes
October 20, 2016**

Planning Board Members Present: Brad Bennett, Julie Pellett, Karl W. Smith, Daniel Compton Matt Rogers, Fred Fink, Fran Overmoyer

Absent:

Others Present: Andy Hall (CEO), Kimberly Rayburn (Secretary), Fred Haeflein (Agent for Mud Creek Properties)

Bennett opened the meeting at 7:30 pm, and the public hearing notice was read.

I. 7:30 pm (Owner) Mud Creek Properties, (Agent) Fred Haeflein Review of Site Plan for Retail Business. Mantique's to operate in existing structure with an existing Use Variance located at 3170 Wheeler Station Road Tax map #'s 95.00-1-27.111

Bennett asked Haeflein to explain his business and the plan for the property. Haeflein stated that he was moving his business from its location on Whalen road to this location, he will be operating his Mantique's retail business at this location the same way he was doing business at the prior location, he described the property and the Board reviewed the site plan map provided. The Property consist of two large buildings running parallel to the road with a gated courtyard between them for outside storage. It also has an existing metal building out back that is being used as a tractor Museum by Huff, Haeflein has shown the existing outside equipment area used by Huff on the map. The map shows an area for truck parking on each side of the front building and shows an area in front of the buildings for misc. wagons and antiques. The signage will be the same as what had been approved at this site prior just with a name change, one sign on the building, one by the road and a portable changeable copy sign. Haeflein has also put a space on the map for two future storage buildings, the Board felt that they would review those at a later date as there is no size of the structures on the map, the placement of the buildings could change in the future and there is no distance to lot lines noted on the map, Haeflein agreed to this as long as he would not have any issues in the future getting approval for the buildings and would not need additional variance approval, the Board stated he would not need a variance as there is plenty of land to work with, as long as he obeyed the side and rear lot line setback requirements he would not have an issue. Haeflein stated that he has had conversations with the neighbors and there were no concerns, Rayburn sent out letters to all property owners within five hundred (500) feet of the property and did not get any response.

Bennett asked Haeflein how he would get customers to his business, he stated through social media and by word of mouth. He has returning customers as well, and stated it's not a location but a destination. Fink asked if he has more space at this location, Haeflein stated he has three (3) times as much. Smith asked about lighting, Haeflein stated the lighting would be the same as what is currently there and is dusk to dawn. He also stated that there are security cameras inside and outside the buildings, and it is alarmed by SG Security.

Bennett asked for any further questions or concerns, there were none. **Smith made a motion and Pellett seconded the motion to close the public hearing, all Board members voted aye, vote carried unanimously.**

Bennett discussed SEQR, Compton made a motion and Overmoyer seconded the motion to declare SEQR a Type II, nor further action required. All Board members voted aye, vote carried unanimously.

Planning Board Decision:

Smith made a motion and Pellett seconded the motion to approve the Site Plan for a Retail Business. Mantique’s to operate a retail business under an existing Use Variance located at 3170 Wheeler Station Road Tax map #'s 95.00-1-27.111

Whereas:

- 1. A existing Use Variance exist**
- 2. Huff is allowed to continue his Museum, and have a retail business on the parcel**
- 3. Any new structures will be allowed, with site plan approval by the Planning Board**
- 4. Per conversations in the minutes as written above**

Record of Vote:

Brad Bennett	Aye
Julie Pellett	Aye
Karl W. Smith	Aye
Dan Compton	Aye
Matt Rogers	Aye
Fred Fink	Aye
Fran Overmoyer	Aye

All Board members present voted Aye, vote carried unanimously.

III. Discussion

The Board held a discussion on Solar, the Board started the review of the NYS Model Solar Energy law, they decided to use the NYS model law, but wanted to review it section by section to make sure there was not information from the Town of Seneca’s they may want to add. They found some places that needed to be deleted and information inserted, Rayburn made notes on the electronic version so she can make the changes the Board suggested at a later time. The addition of the components of the system to be UL rated was added, in the minor system section B 1. the addition of allowing the system in all districts was inserted, B 3. Lot coverage was decided at 35% and the reference to 135-25 application details was to be inserted. The Board stopped at the end of page six (6) and will resume with page seven (7) at the next meeting.

Hall and Rayburn reviewed a sketch plan map that was provided to them by WB. Creekside for a 1 lot subdivision. Hall and Rayburn met with John Shields III P.E. who created the sketch plan map, they discussed the proposal and options to the applicant and informed him they would ask the Board informally what they thought of the proposal as they had a meeting that night. The proposal is on a piece of property that currently has an existing Special Use Permit (SUP) to have a private airstrip assigned to WB. Creekside, there is also an open SUP from another applicant that was going to purchase the property in 2010 contingent on SUP approval. The proposed subdivision is to create a forty (40) foot access on the east property line (as there is a structure /hanger on the lot that is preventing them from getting the sixty (60) feet required for a flag lot. This would require two (2) variances, 1 for the access and one for the hanger that would not meet the side setback of fifty (50) feet. The parcel would then open up at the point where the existing airstrip crosses approximately two hundred and twenty (220) feet into the proposed new lot, before getting up into the interior of the flag lot. Hall made a call to the FAA to ask if there was an issue with the existing airstrip being on two separate parcels, they informed him that if both parties agreed to leave the air strip as is exist then it would not be an issue. Hall and Rayburn discussed an easement with Shields, the Board stated they could move the access to the west of the hanger to create a sixty-foot access (on paper), while utilizing the existing driveway but they are still required to have a sixty (60) foot access to the property by code. The Board did not feel the proposal provided to them was the best design for the subdivision and there was not enough information on the hanger building and no information on setback distances were provided. The Board stated they would suggest the applicant come in for

a concept review. Rayburn and Hall will advise Shields of the comments from this discussion and advise the Board of the applicant's decision.

Hall also made a call to one of the Town's Attorney's regarding the open SUP that was never completed in 2010. It was the advice from the Attorney that since the Board was not given the documentation requested from the applicant six (6) years ago, and the property was not sold to the applicant that the application be denied.

Compton made a motion and Overmoyer seconded the motion to deny the open application of TSP1-10

Whereas:

- 1. The applicant failed to provide the documentation requested by the Planning Board for six (6) years.**
- 2. The sale of the property was contingent on approval of a new Special Use Permit in the name of the prospective buyer**
- 3. The owner of the property wishes to subdivide the property at this time.**

Smith stated that the minutes from October 6th did not show that Shane Herrgesell was in attendance.

III. Minutes of October 6, 2016

Smith made a motion and Bennett seconded the motion to approve the minutes of September 6, 2016 as amended, all board members present voted Aye, Vote was carried unanimously.

VII. Meeting Adjourned

Smith made a motion and Pellett 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