

Planning Board Meeting Minutes – Meeting of 14 July 2015

Planning Board Attendance : Larry Dagan (Chair)- Present, Sue Kinney (Member)- Absent, Don Brooks (Member)- Present, Kevin Conklin (Member)- Present, Craig Prucha (Member)- Present, Gary Kingsley (Member)- Present, Terry Bartholomew (Member)- Present, Liz Conway (Alternate)- Present, Jen Davis (Clerk) - Absent

Meeting was called into session at 7:00 PM by L. Dagan.

After completing the Pledge of Allegiance, we introduced and welcomed the new membership to the Board which occurred since the last meeting in April. The new Planning Board participants include Terry Bartholomew and Liz Conway.

L. Dagan reminded the group that with the absence of Sue Kinney at this meeting, Liz Conway, the alternate, would have full voting rights for all the actions brought to the board for review for this session.

L Dagan also indicated that Jen Davis had also communicated to the Planning Board that due to her personal situation she will not be able to continue supporting the Planning Board in her role as Clerk. The Planning Board thanked Jen for her contributions, and wish her well in her future endeavors. Terry Bartholomew agreed to assist and help record minutes for this session.

First item on the agenda was the review/approval of the 4/14 draft minutes. L. Dagan indicated the phrase "Site Plan" was the missing information (left blank) in the draft, and he made that update to the draft. After review, Craig Prucha motioned we accept the updated draft minutes, and Don Brooks seconded the motion. This was approved with the following votes indicated:

L. Conway* – Yes, K. Conklin – Yes, L. Dagan – Yes, G. Kingsley – Yes, T. Bartholomew – Yes, C. Prucha – Yes, D. Brooks – Yes

As there were a number of residents and presenters also in attendance at the meeting, we asked those present to introduce themselves and their subject(s) of interest to potentially adjust the agenda sequence to be most efficient.

The first agenda item reviewed was the Clayton Kelkenberg Land Separation request. Tax Map 15-1-25.1 Dan Lang reviewed the details of the separation request (74.083 acres) and the survey map. All aspects of the request are compliant to current requirements, and the paperwork is complete. C. Prucha motioned to approve, G. Kingsley seconded. Request was approved with the following votes indicated:

L. Conway* – Yes, K. Conklin – Yes, L. Dagan – Yes, G. Kingsley – Yes, T. Bartholomew – Yes, C. Prucha – Yes, D. Brooks – Yes

Next agenda item was Noble Land separation parcel merge request. Tax Map 17-01-14.12 Dan Lang reviewed the details of the submission with the Board, and indicated there were no concerns with the proposal and the paperwork is complete. C. Prucha motioned to approve, and T. Bartholomew seconded. Request was approved with the following votes indicated:

L. Conway* – Yes, K. Conklin – Yes, L. Dagan – Yes, G. Kingsley – Yes, T. Bartholomew – Yes, C. Prucha – Yes, D. Brooks – Yes

Next agenda item was a Special Use Permit for Callari. Tax Map 18-4000-10.-1-44

Dan Lang reviewed the details of the proposal. It meets all setback and location requirements. Dan indicated this has also already been reviewed and approved by the county, and was also reviewed, site inspected and approved by the Genesee Soil and Water Conservation district. Dan also indicated there were no indications of any concerns expressed by other residents in the area. C. Prucha motioned to approve, and D. Brooks seconded. Request was approved with the following votes indicated:

L. Conway* – Yes, K. Conklin – Yes, L. Dagan – Yes, G. Kingsley – Yes, T. Bartholomew – Yes, C. Prucha – Yes, D. Brooks – Yes

Next agenda item was the Site Plan Review/SEQR for the Pavilion Library expansion.

Dan Lang reviewed that county has already approved the plan as submitted by the Library. A potential area of concern with the proposal has always been the lack of a Base Flooding Elevation Study, which has since been completed. With that reference now completed, the submitted Site Plan Review now has a reference basis for assessment. The new addition is compliant with the standard recommendation of being constructed 1 foot above the 100 year flood plain level. The addition is also compliant with current ADA requirements. Attendees familiar with the Library project also commented on the design and the facility modifications made in the proposal to address any flooding or access concerns. Based on the information reviewed, we agreed we need to complete the SEQR assessment.

After reviewing the information and the SEQR classification criteria, we agreed that this appeared to be an “Unlisted Action”.

C. Prucha motioned to approve, and D. Brooks seconded. Request was approved with the following votes indicated:

L. Conway* – Yes, K. Conklin – Yes, L. Dagan – Yes, G. Kingsley – Yes, T. Bartholomew – Yes, C. Prucha – Yes, D. Brooks – Yes

Next, we concluded that we (Pavilion Planning Board) would request lead agency status.

C. Prucha motioned to approve this action, and D. Brooks seconded. Request was approved with the following votes indicated:

L. Conway* – Yes, K. Conklin – Yes, L. Dagan – Yes, G. Kingsley – Yes, T. Bartholomew – Yes, C. Prucha – Yes, D. Brooks – Yes

The Planning Board then reviewed each of the assessment areas of the “Unlisted Action” section PART 2 of the SEQR. As each of these sections was discussed, the summary conclusion from the board members was that all sections were determined to be “No or Small Impact” .

D. Brooks motioned to approve this action, and C. Prucha seconded. Request was approved with the following votes indicated:

L. Conway* – Yes, K. Conklin – Yes, L. Dagan – Yes, G. Kingsley – Yes, T. Bartholomew – Yes, C. Prucha – Yes, D. Brooks – Yes

As the SEQR was now completed with a Negative Declaration, we agreed to vote on approval of the Site Plan as submitted for the Library.

C. Prucha motioned to approve this action, and L. Conway seconded. Request was approved with the following votes indicated:

L. Conway* – Yes, K. Conklin – Yes, L. Dagan – Yes, G. Kingsley – Yes, T. Bartholomew – Yes, C. Prucha – Yes, D. Brooks – Yes

Next Agenda item was the Superior Energy SEQR Discussion.

The information submitted to date to the Planning Board is limited. On a high level, the proposal involves a 32 Acre lot, of which 5-10 acres will need to be altered to accommodate the proposed fuel storage facility. There are wetlands in close proximity to the proposed site. It was also noted the site is currently zoned AR1 and would need to be rezoned to Industrial in order to align with this new proposed use. This action would need to be completed by the Town Board.

We asked Dan Stowell from Superior Energy to help provide some additional background information on the project, and even after discussion, the Planning Board members agreed we definitely need additional information from Superior in order to complete SEQR. It was noted that to facilitate understanding more on this proposal, the Town Board has agreed to a Public Hearing on the proposal which is scheduled for July 29th at 7:00.

Dan did comment that the County did NOT approve the initial submission from Superior, indicating that it was zoned AR1 and was not aligned to the Comprehensive Plan, and that the land was part of a defined Agricultural District.

Based on the information available, the Planning Board and CEO discussed the appropriate path forward. There was considerable discussion on various options. Our assessment at this time is that this appears to be a Type 1 SEQR action. This is based on Type 1 trigger list, specifically Subsections 8 and 6i on the list, where the proposal as currently discussed exceeds these criteria. The conclusion of the discussion was that the Planning Board considered this proposal from Superior was likely to be a Type 1 action.

C. Prucha motioned to approve this determination of action type by the Planning Board, and L. Conway seconded. Motion was approved with the following votes indicated:

L. Conway* – Yes, K. Conklin – Yes, L. Dagan – Yes, G. Kingsley – Yes, T. Bartholomew – Yes, C. Prucha – Yes, D. Brooks – Yes

Based on that assessment, and the ongoing goal of the Planning Board of completing review and

approval processes in a timely manner, it was also discussed that the Pavilion Planning Board should send out a letter to other relevant and impacted agencies, indicating that the Pavilion Planning Board will seek Lead Agency designation for the SEQR process. Dan offered to assist L. Dagan in composing this letter.

C. Prucha motioned to approve this action, and L. Conway seconded. Motion was approved with the following votes indicated:

L. Conway* – Yes, K. Conklin – Yes, L. Dagan – Yes, G. Kingsley – Yes, T. Bartholomew – Yes, C. Prucha – Yes, D. Brooks – Yes

L. Dagan also suggested that all the Planning Board Members and Alternate should try to attend the Public Hearing if at all possible to get as much direct input from Superior and the public on this proposal as possible.

Next Agenda Item was the Dollar General submission for signage.

The Dollar General signage approval detailed package submitted to the Pavilion Planning Board proposal was already submitted to the county and approved by that body. Dollar General has since signaled to Dan Lang that this action was initiated by one of their contracted companies, and that Dollar General was considering an alternate proposal with a larger signage size, which would require a variance by the Zoning Board. After a lot of discussion and clarification, our final conclusion was that the package as submitted is in compliance with all existing Pavilion code requirements, and therefore we have no real basis for not approving the submitted proposal. If Dollar General wants to modify the proposal to a larger sign, then they will need to go to the Zoning Board first to get a variance approved, then the revised proposal, with the Zoning Board variance approval (if granted) would need to come back to the Planning Board for a new review and approval. C. Prucha motioned to approve the signage proposal AS SUBMITTED, and D. Brooks seconded. Request was approved with the following votes indicated:

L. Conway* – Yes, K. Conklin – Yes, L. Dagan – Yes, G. Kingsley – Yes, T. Bartholomew – Yes, C. Prucha – Yes, D. Brooks – Yes

CEO General Updates – Dan indicated permit applications are relatively steady. He also indicated that efforts to clean up vacant properties is making steady progress, and some are being removed in the near future. He is also investigating possible grants to assist property owners in completing these actions.

Dan also indicated that DOT has completed their assessment of the changes they will be recommending around the location of the new Dollar General location. He did mention that their current recommendation does not include a change in speed zone designations. This is always subject to additional review/modification based on public input, and more experience with how the change appears to be impacting the actual traffic and safety conditions after the modifications are completed. It was noted that public comment directly to DOT has been shown as an effective means of initiating change in other cases.

There were some additional discussions on general responsibilities and decision rights of DOT and

Planning Boards on driveways, curb cuts, etc.

Dan also answered a general question on the final siding specified in the Dollar General storefront. This will be a brick facing that is a relatively close match to the brick color scheme used in the nearby Pavilion Public Schools.

Comment from L. Dagan also mentioned to the attendees that we will be seeking possible replacement candidates for the Clerk Position to support the Planning Board. Individuals that may be interested in helping in that role should contact L. Dagan or Rob Lapoint on the Town Board.

Also, we do need to designate a Vice Chair for the Planning Board. There were no initial volunteers identified at this time. We agreed to defer further discussion until the next meeting where hopefully we would have full member attendance and can better assess all the options.

Motion was made to close the meeting by C. Prucha, and L. Dagan seconded. Approved with the following votes indicated:

L. Conway* – Yes, K. Conklin – Yes, L. Dagan – Yes, G. Kingsley – Yes, T. Bartholomew – Yes, C. Prucha – Yes, D. Brooks – Yes

*L. Conway is a voting member for this session due to absence of Sue Kinney.

Notes Submitted for Review by Terry Bartholomew and Larry Dagan