

TOWN of PAVILION PLANNING BOARD  
Regular Meeting Minutes  
September 8, 2015

Present: Chairperson Larry Dagan, Don Brooks, Liz Conway, Gary Freeman (Alternate), Sue Kinney, Gary Kingsley, Craig Prucha, Dan Lang (ZEO, CEO)

Guests: Scott Sullivan of Superior Energy (SE); Al Lyons of Great Lakes Environmental & Safety Consultants

The meeting was called to order at 7:02 by Chairperson Larry Dagan. The first order of business was the pledge to the flag. In the absence of an official recorder, Sue Kinney will be the recorder tonight.

Congratulations and welcome to Gary Freeman, our new alternate. Following a brief discussion of how the board functions and the responsibilities held by the members and alternate, Chairperson Dagan declared that Gary Freeman will be voting on issues tonight due to the absence of Terry Bartholomew.

Minutes from August, 2015 meeting were reviewed and accepted into the record as amended; noted no address on Noble land separation is needed due to the Parcel number being included. The motion to approve was made by Craig Prucha and seconded by Don Brooks

The vote taken:

Gary Freeman: Yes Larry Dagan: Yes Craig Prucha: Yes

Gary Kingsley: Yes Don Brooks: Yes Liz Conway: Yes

Sue Kinney: Yes

#### **Review of Pending Business:**

Dollar General Signage:

The County Planning Board disallowed the variances for sign size on the building, which is standard and keeps signs congruent with size and shape of Dollar Store signs in general. The Pavilion Zoning Board approved the signage with a super-majority. The free-standing sign will be 70 or more feet off the highway; we looked at specs for its support. Require Planning Board approval.

Motion to approve the variance for signage at Dollar General was made by Gary Kingsley, seconded by Liz Conway.

The vote taken:

Gary Freeman: Yes Larry Dagan: Yes Craig Prucha: Yes

Gary Kingsley: Yes Don Brooks: Yes Liz Conway: Yes

Sue Kinney: Yes

#### **Update on Superior Energy SEQR Review:**

Two points were noted regarding the upcoming review. First, that two letters have been received, one from Genesee County Planning Board and the second from New York State Department of Transportation, both stating that they have no objection to the Town of Pavilion Planning Board being named lead agency for SEQR review on the Superior Plus Energy Services project. It was noted that DOT will have to approve curb cuts, entrances from the highway, etc. before final plans are approved.

Several other requests were sent and received no response. Dan Lang noted that the letters are frequently unanswered and this indicates that the agency addressed has no problem with the designated lead agency proposed. Dan Stowell (SE) added that final site plans cannot be completed until wetland delineation maps are finalized and approved. Verbal approval has been granted, but formal paperwork has yet to be received. The wetlands have, in study, been found to be smaller in area than first supposed.

As a result, Larry Dagan moved that the Planning Board be named lead agency on the Superior Energy proposal.

Seconded by Craig Prucha, the vote was taken:

Gary Freeman: Yes Larry Dagan: Yes Craig Prucha: Yes

Gary Kingsley: Yes Don Brooks: Yes Liz Conway: Yes

Sue Kinney: Yes

Second, until we have final site plans, the SEQR cannot take place. However, taking a look at what is in front of us, and what issues may arise, can be anticipated by reviewing the SEQR materials first. Any main heading questions that are answered by YES responses will require an in-depth study of the land, the proposal, and the interaction of the two. None of these are definitive, but we anticipate:

1- Water table disruptions and mitigations will be probably be a NO; SE stated the depth of the water table is at least three feet below the depth of the tanks and containment basins.

2- Geological features will probably be a NO.

3- Impact on surface water will be a YES; this will need study, answers. SE noted that drainage from roofs, paved area will show on the site plan. Much of the area will be graveled; the containment areas will not drain.

4- Impact on ground water will probably be a YES: it was noted by SE that the tank farm does not require ground water; the office building will require some for bathrooms. There will be some general maintenance of tanks, but SE expects no truck washing to occur on site, so water usage will be minimal. This, as well as containment issues will require in-depth study, especially since it is a main issue of local opponents of the plan.

5- Impact on Flooding: We will need to refer to flood plain maps to determine this.

6- Impact on Air: Probably YES. SE said there will be some emissions, but no permits are required from the DEC for tanks of the size proposed on site. Throughput volumes, etc will be available. Because there will not be multiple tanks, the emissions should be well under allowable levels.

7- Impact on Plants and Animals, probably YES. Dan Lang noted that we need to be aware that there might be positive impacts on this topic as well as others, and if so, they need to be clearly noted, as well.

8- Impact on Agricultural Use: probably Yes, especially since this is currently in an Ag District. We will be looking at the unused portion of the site as well, including the wetlands.

9- Impact on Aesthetic Resources: Probably YES, answerable by site plan examination. Also a community issue.

10- Impact on Historic/Archeological Site: Probably NO; SE has investigated this and site is clear on both counts.

11- Impact on Open Space and Recreation: probably NO, site is used for agriculture now.

12- Impact on Critical Environment: unclear

13- Impact on Transportation: unclear

14- Impact on Energy: unclear

15- Impact by Noise/Odor/Light: probably a YES; Dan Lang said we need to assume it is a 24 hour operation; SE stated the number of trucks in and out and at what hours is predictable based on the two current facilities this one will replace.

16- Impact on Human Health: unclear

17- Consistency with Community Plans: probably YES, because of Zoning Change requested.

18- Impact Community Character: probably YES; same reason.

Question asked and answered: Superior Energy is aware of their responsibilities regarding the SEQR and keep them firmly in mind while developing site plans. They will be ready with supporting evidence when it comes time to actually complete the SEQR forms for the state.

### **CEO-ZEO Report / Dan Lang**

-Dollar General project is moving along, currently setting steel.

-Question about what might go into space where the building on the SW corner of Rtes.19 & 63 burned; it has been empty enough that use will not be grandfathered in, and original footprint may not be able to be used. Due to the

large amount of fill, it will not be an easy build; thoughtful procedures will need to be followed carefully when considering any building proposals.

-Discussion about codes. DL suggests that many of our codes need to be brought up to date, which will ease such problems as the question of signage for Dollar General that ends up causing variance refusals by the County Planning Board. Some are outdated, others missing because the world is changing. We will need to examine and update current code, and develop new codes to deal with such issues as green energy. Because we have so many new members right now, and because the County is already engaged in such a code evaluation, we will table this until at least Spring of 2016.

#### Miscellaneous

-Secretary for the Planning Board: Court Clerk declined as she's too busy. Kelly Kinney has expressed interest. Larry Dagan will approach her outlining requirements of and compensation for the position, with a view to her being offered the job.

-Training: Rob is looking into this as many Board Members are short of required hours.

Don Brooks moved for adjournment at 8:25; second by Gary Freeman. Voice vote was unanimous.

Submitted by Susan J. Kinney  
9/12/15

**New York State DEC SEQR Reference Page**

<http://www.dec.ny.gov/permits/6191.html>

**Genesee County GIS Mapping Application (click OK)**

[http://www.co.genesee.ny.us/departments/countytreasurer/gis\\_maps.html](http://www.co.genesee.ny.us/departments/countytreasurer/gis_maps.html)

**SEQR Training Module**

[http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/seqrhandbook.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf)