

**Regular Meeting of the Great Valley Planning Board
Zoning Board of Appeals
November 9, 2023**

Present: Chris Schena (chairperson)
Amy DeTine
Al Puszcz
Jeff Ramsten

Others: Jake Alianello
Dan Brown
Rich Rinko
Lori Finch
Sandy Goode
Becky Kruszynski
Margo Pearl
Brian Button
Linda and Tim Lund
Travis Tingue
Robert Schmick
Rebecca Wheeler
Kathy Nerogic

The meeting was opened by Chris at 7PM with the Pledge of Allegiance.

PUBLIC HEARING

The Public Hearing for Travis Tingue was opened by Chris. Chris stated that he had received letters and phone calls with concerns about this project.

Tamara Jones, Darla Cuzzo, and Diana Andrews own a parcel next to the proposed project.

- do not support the project because of the location
- it is a residential neighborhood
- Tamara also called Chris

Dana Scharf and Josh Poling live at 5955 Humphrey Rd. which is across from the proposed project.

- do not approve and feel it is in violation of the zoning rules
- traffic is heavy at the proposed location and doesn't make sense for traffic to pull in and out with trucks pulling trailers
- feel there could be a law suit if the project is approved
- lot size is a 64% reduction of the requirement and would set a bad precedence
- would not be enough room for vehicles to move

- would be an eyesore

Casey and Brian Button live at 5958 Humphrey Rd.

- do not approve of the project
- traffic would increase on a busy road and would include trucks with trailers
- possible increase in crime
- the appearance of storage units on the property could decrease property values
- residential neighborhood
- Brian stated that the lot size is 2/3 smaller than required and if approved why have zoning.

William Adams owns land around the proposed project.

- called Chris and said he is against the proposed project

The County Planning Department recommended disapproval of the project.

- substantial variance-lot size is not conducive for the project
- adverse effect on or impact on the environment
- storage building in residential neighborhood
- storage facility will increase traffic in and out of an area with a blind corner
- special use permit not compatible with Zoning Law-Agriculture/Residential
- is not compatible with neighborhood
- project will increase traffic volumes and affect traffic flows or safety in the vicinity of the site
- project will result in destruction loss or damage to natural scenic features

Chris stated that there were strong responses on the project.

The Public Hearing was closed at 7:10PM.

ZONING BOARD OF APPEALS

The Zoning Board of Appeals meeting was opened by Chris.

Travis Tingue Storage Units

Travis Tingue

- felt the county didn't spend enough time on the proposal before the disapproval
- upset because people talked to Chris and not him
- Pengilly has 100 units on a little more than an acre and doesn't increase traffic
- the county was concerned about the location being on a blind corner but it can be seen from ¼ mile away
- doesn't understand the environmental risks because there was a building there that burned and the rubble is still there. He would make it look better. There are no trees on the lot just over growth.

- there are rodent issues with storage buildings but they are not an issue with shipping containers
- the units would be more secure than Pengilly units because nobody would be allowed to enter between 8PM and 8AM
- he doesn't want to adversely effect the neighbors
- zoned HRC and not AR like the county stated
- tried to buy more property
- wished the neighbors would have confronted him so he could have had the opportunity to discuss it with them directly
- to meet all setbacks and requirements he would decrease the number of units
- there would be no utilities, foundations, or water
- The 1A minimum is only for utilities so he doesn't think it should apply to this project. He was told that minimum lot size is a town regulation for zoning and utilities may require a larger lot size.

Linda Lund

- stated that there was good feedback from previous meetings and they complied with all advice and comments from the board
- the property looks small because of the brush
- concerned that the county might have been given some old copies

Tim Lund

- doesn't think the location is on a blind curve
- there would be no hazardous materials
- rarely sees traffic in Pengilly

Linda Lund asked what could happen on a parcel that size and was told that most small parcels predate zoning but the board is hearing from close neighbors that they are not happy with the plan.

The board discussed the 5 questions for granting an area variance (Section 7.3B).

(a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

It is undesirable because it is residential and because of comments by neighbors

(b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

No for the lot variance. Setback variance could be met. Detriment to neighborhood because the county and neighbors don't like it. Travis stated that the containers would be brand new. The board didn't have an issue with the plans and presentation but had

concerns about the lot size. Travis said he wouldn't have done the project if feedback was given 3 month ago. He was told that the public wasn't aware of the project until the Public Hearing and if he was told 3 months ago it wasn't a good idea it would have been a violation of the right to bring the project to the board. Chris said the board has to go by the zoning laws. The lot is small so the variances had to be applied for but there are no guarantees. Travis stated he already bought the land and was told variances are discretionary approval with no guarantee.

(c) Whether the requested area variance is substantial.

It is substantial. From 1A to .36A. 64% is more than what has ever been done.

(d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Will change the physical condition. A shipping container as accessory storage for personal use can be approved by code enforcement but it's different for commercial use.

(e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

Yes. Knew before purchasing the property that it was small and wouldn't know how it would end up.

Jake told the board that if County planning recommends disapproval there would have to be a majority + 1 to override the county planning recommendation according to section 239-m of the General Municipal Law.

A resolution to deny the lot size variance was made by Jeff with a 2nd by Amy.

Roll call vote indicated:

Amy - YES

Jeff - YES

Chris - YES

Al - YES

The board can't move forward with the setback variance and special use permit because the lot size variance was not approved.

Robert/Connor Schmick

Robert Schmick had recently applied for and was granted a subdivision on his property at 5691 Humphrey Rd. (tax map no. 65.003-2-23.4). The 8.87A property was divided into 6.16A and 2.71A lots. Connor Schmick is putting a manufactured home on the 2.71A lot and is requesting a 15' side lot variance for a future garage. Robert Schmick is the only adjoining property owner. The application was determined to be complete. This request is exempt from county referral but will require a public hearing which will

be scheduled for December 13, 2023 at 7PM.

A motion to close the Zoning Board of Appeals meeting was made by Amy with a 2nd by Jeff. All in favor.

PLANNING BOARD

The Planning Board meeting was opened by Chris at 8PM

Minutes

A motion to accept the minutes of the October 11, 2023 meeting as submitted was made by Amy with a 2nd by Jeff. All in favor.

Dog Grooming and Daycare

Rebecca Wheeler has a dog grooming business at 4269 Kill Buck Rd. (tax map no. 73.002-2-8.2). She wants to also have dog daycare. She would be using the existing structure as is. Dog daycare is not a permitted use but the Town Board is going to vote to allow dog boarding with a special use permit at its next meeting. There would be a maximum of 15 dogs from 7AM to 5:30PM. There are no requirements from the Health Dept. The poop is bagged immediately and put in an outside bin which is emptied everyday. If dogs have to stay all night they will be crated and checked at 10PM and at 6AM. There will not be a lot of overnight dogs. Rebecca is not the owner of the property and was asked to get an email from the property owner stating that he approves. The board talked about the 15 general standards for granting a special use permit (Section 8.4B). The application was determined to be complete. This request is exempt from county referral but will require a public hearing which will be scheduled for December 13, 2023.

Other Business

Chris reminded the board of the training that will be held at Southern Tier West on November 16, 2023 from 4-8:30PM.

The Town of Great Valley Comprehensive Plan and Zoning Laws books need to be fully updated. All changes to date are online. The board would like to finish the process of updating the Comprehensive Plan and the Zoning Laws. Jake will get all plans thus far together. Sandy Goode stated that GoBike would like to see verbiage included for multi use trails because it would help with any funding. They will supply the board with verbiage from another town. GoBike would like to setup a zoom meeting with the board.

Al moved to adjourn at 8:35PM with a 2nd by Jeff. All in favor.

The next Zoning Board of Appeals/Planning Board meeting will be held on Wednesday December 13, 2023 at 7PM and will include the public hearings.