



Brian Napoli, Chairman

COUNTY OF ORLEANS
PLANNING BOARD
14016 Route 31 West
Albion, New York 14411-9382
(585) 589-3198

Dan Strong, Vice-Chairman

County Planning Board Minutes

Regular Meeting
February 23, 2023

Virtual Participation
Originating from Chamber

CPB ATTENDING: Janet Navarra-Salvatore, Michael Massaro, Christopher Kinter, Paul Schwenk, Kevin Johnson, Bruce Kirby, Bruce Newell, Richard Moss, David Knapp, Tom Fenton, Kirk Myhill Gary Daum, Dan Strong, Brian Napoli, Legislator Bill Eick

CPB ATTENDING VIRTUALLY: Mylynda Kuba

CPB EXCUSED: George Avery, Tim Elliott

CPB ABSENT: Kevin Parker, Thomas Keeler, Wesley Miller, William Camann, Russell Bosch, Chris Watt, Monica Seeler, Daniel Gardner, Edward Urbanik, Darryl Sanford

GUESTS: Rainey Losee (Village of Holley), David Hill (23-04 Applicant), Rodger (Unable to read last name), Jeff Martin (Lawyer), Kirk Mathes, Alice Mathes, Carol McNees (Interim Code Enforcement Officer for Village of Holley), Tom Rivers

STAFF: Corey Winters

Chairman Brian Napoli called the regular meeting of the Orleans County Planning Board (CPB) to order at 7:00 p.m. All present for the meeting were welcomed by him.

NEW BUSINESS

David Knapp made a motion for **APPROVAL** of the **January 26, 2023** minutes, seconded by Kirk Myhill and carried unanimously.

Before the Orleans County Planning Board starts reviewing the applications for this meeting, Chairman B. Napoli informs the CPB Members, and the Public who were in attendance that this is a business meeting and not a public meeting. He mentions that it is up to the board's discretion if they will allow the public to speak during the meeting.

ZONING REFERRALS

23-04 Albion (T)

Request for Special Use Permit and Site Plan Review for 3 additional buildings at a self-storage facility. Project located at 14326 West County House Road.

C. Winters states Orleans Self Storage located at 14326 West County House Road is proposing another expansion of three (3) buildings, similar to the buildings they constructed the previous year. The total parcel is 14.86 acres, while only .98 acres will be physically disturbed during this phase 3 of expansion. Like in the previous expansion, the project will not be connected to public water and public sewer once completed. According to the submitted SEQR, the project is not located in nor encroaching on wetlands, and is not located within a 100-year flood plain. He added that once the three (3) new buildings are constructed, they would not affect the storm water discharge toward adjacent properties.

C. Winters states that the New York State Parks, Recreation, and Historic Preservation determined that the project site does not contain any items or structures that would be eligible to be listed on the State Register of Historic Places.

C. Winters mentions that the Traffic generation is not expected to increase, since people will be coming to the Self-Storage Complex, to load, and unload their vehicles into their storage lockers. No one will physically be working on the site, and no large vehicles are expected to travel to the site, other than during the construction phase of the three (3) new buildings.

Lastly, C. Winters mentions that the Site Plan has been revised before CPB reviewed it. Concerns were raised about the driveway width. The Town of Albion, the Office of Emergency Management (OEM), and the Applicant had communication about the issue and how to come to a solution. Since then the Site Plan has been revised, and all involved parties are happy with the solution.

After the introduction by C. Winters, D. Strong provides more background information regarding the application. He mentions that this is the 3rd or 4th time this applicant (David Hill) has been in front of the CPB for projects. The Town and OEM are in approval with these buildings, due to the advancement they have made in fire prevention in the construction of these buildings on this property. C. Kinter mentions that currently there are 241 units, and they are at 77% capacity. D. Hill the applicant adds that most of the renters of this storage facility are local residents. D. Strong adds that the Town of Albion has never received a complaint or issues with this property or project.

Lastly, D. Knapp asked David Hill, how many more storage units can fit on the parcel, and he answers by saying 140 after this expansion. Nevertheless, he does not see another expansion coming in the future. In addition, this expansion will be the last one. David Hill is afraid of over-saturation of the market or that the self-storage “boom” market will go away in the future.

RECOMMENDATION FOR 23-04: Bruce Kirby, made a motion for **APPROVAL**. Seconded by David Knapp and carried by all voting members (Dan Strong and Christopher Kinter abstaining).

Comments:

The site plan has been updated before the CPB Review. Concerns were raised about the driveway width. The town of Albion and OEM have had conversations with the applicant and Engineer who developed the site plan. The concerns were addressed and the site plan has since been updated, and all parties involved are happy with the solution.

23-05 Kendall

Request for Area Variance, Special Use Permit, and Site Plan Review for a Farm Labor Housing. Project located at 1561 Norway Road.

Before C. Winters introduces the application, he mentions that the following application will consist of two (2) recommendations, from the CPB, due to having the final decision coming from two different boards within the Town of Kendall.

- 23-05A: Area Variance – Town of Kendall Zoning Board
- 23-05B: Special Use Permit and Site Plan Review – Town of Kendall Planning Board

C. Winters introduces the application to the board. The applicant is proposing a farm labor housing residence located at 1561 Norway Road. The applicant is going to use and covert the existing single-family residence located on the property. While the parcel as a whole is 3 acres, there will be no physically disturbed land regarding this project. According to SEQR and digital mapping, the proposed project is not located within a 100-year flood plain.

In addition, New York State Parks, Recreation, and Historic Preservation determined that the project site does not contain any items or structures that would be eligible to be listed on the State Register of Historic Places. C. Winters mentions that according to SEQR the proposed project does require a permit or approval from Orleans County Health Department.

C. Winters discusses the zoning section that will be affected by this application. Section §265-56 within the Town of Kendall’s Zoning Code, discusses Farm Labor Camps. C. Winters mentions some of the guidelines within this section that the project needs to meet:

- The minimum lot size for the camp shall be 20,000 square feet for the first four camp occupants, with additional areas of land provided for each additional occupant inhabiting the camp.
- The farm camp shall comply with the setbacks regulation application to the zoning district in which the proposed project is located.
- The labor camps may only operate during the growing and harvesting season, except when extraordinary circumstances.
- Zoning Enforcement Office may inspect the camp at any time
- Labor camp and camp buildings must continuously comply with all applicable local, state, and federal ordinances

C. Winters mentions that the Traffic generation is not expected to increase, since the structure already exists on the site, there will be no need for construction vehicles, which will help maintain the current traffic characteristics of the area. With the new use of the structure operates similarly to the previous use.

After the introduction of the application to the Orleans County Planning Board, D. Strong mentions that more Farm Labor Housing Projects are using existing structures to house their Farm Labors, rather than the construction of new buildings.

The only question the Planning Board had regarding this application was from G. Daum, which asked how many residences would be living within this residence. D. Strong replied saying that he does not have the data to answer the question.

[RECOMMENDATION FOR 23-05A:](#) Gary Daum made a motion for **APPROVAL**. Seconded by Christopher Kinter and carried by all voting members (Bruce Newell and Dan Strong abstaining).

Comments:

Orleans County Health Department to issue the permit and/or approval per the comments on the SEQR. Since the residences are being converted, make sure the house is up to the Building Code standards, per New York State.

[RECOMMENDATION FOR 23-05B:](#) Kirk Myhill made a motion for **APPROVAL**. Seconded by Tom Fenton and carried by all voting members (Bruce Newell and Dan Strong abstaining)

Comments:

The Special Use Permit runs with the property and not by ownership. And per the Town of Kendall's Zoning Code, the Special Use Permit for Farm Labor Camps has a term of three (3) years.

23-06 Holley

Request for Amendment to Zoning Map. Update from 2008 to 2023.

C. Winters introduces the application to the board. He states that the village of Holley is in the process of updating its zoning map, which was last revised in 2008. While zoning maps do not change often, it is a good idea to consider them a "living" document that needs to change as changes occur within the Town or Village.

For the Village of Holley, they took the map that was created in 2008 and updated it to match their current zoning. The applicants when parcel by parcel and compared it to the existing map. From these markups, a new map was created. Along with adding parcels to their appropriate districts, the Village of Holley updated the terminology also for the zoning map.

After this brief introduction, the application was turned over to the members who represent the Village of Holley on the Orleans County Planning Board. Rainey Losee who is a member of the Planning and Zoning Board for the Village of Holley stated that this update is the same update that was proposed in 2015, but for some unknown reason, it was never carried out.

At this time Jeff Martin spoke to the board members, stating that the Village of Holley is getting ahead of itself by proposing this zoning map change when they haven't updated the Comprehensive Plan First. They are putting the "wagon before for the horse" he stated. He also mentions that it seems that they have a development idea for the property on Bennetts Corners Road which is 60 acres, so they changing and modifying the zoning so the development can proceed.

The board as a whole discussed the topic, and issues, and has decided to have the application returned to the Village of Holley since the Comprehensive Plan needs to be updated first before the adoption of the revised Zoning Map. The Orleans County Planning Board, conducted a vote by show of hands for the motion to send application 23-06 back to the applicant (Village of Holley).

[RECOMMENDATION FOR 23-06](#): With the board coming to an agreement to send the application back to the Village of Holley, by show of hands a motion to **RETURN TO THE APPLICANT** (Mylynda Kuba abstaining). The following is the vote breakdown:

In Favor:

1. Janet Navarra-Salvatore
2. Michael Massaro
3. Christopher Kinter
4. Paul Schwenk
5. Kevin Johnson
6. Bruce Kirby
7. Bruce Newell
8. Richard Moss
9. David Knapp
10. Tom Fenton
11. Kirk Myhill
12. Gary Daum
13. Dan Strong
14. Brian Napoli

Opposed:

- No show of hands

OTHER BUSINESS

[QUORUM POLICY UPDATE](#): C. Winters mentions that per the CPB By-Laws that were last revised in 2021, a presence of a majority of the designated Board members shall be necessary to constitute a quorum. Since the board is large, we need nine (9) members in person. He also tells the members that alternates shall be included as voting members in a quorum ONLY in the absence of their full members. C. Winters enforces that members attending virtually via Zoom DO NOT count towards a quorum.

[UPDATE ON MEMBERS MAKING MOTIONS \(MAIN SEAT V. ALTERNATIVE SEAT\)](#): C. Winters informs the board members that per our by-laws that each member shall have one (1) vote. And that a majority vote of the members present shall be necessary for the adoption of any proposed action, resolution, or other voting matter. The main seat is the only person who can cast a vote. In order for an alternative member to cast a vote, is in the instance of, if the main seat (full member) is absent, or if they sustain due to personal interest.

[RESCIND MOTIONS NOMINATING CHAIRMAN AND VICE CHAIRMAN FROM JANUARY 2023 MEETING](#): C. Winters informs the board members that we as a board have to rescind the motions of nominating Chairman and Vice Chairman from the January 2023 meeting, due to an error where an alternative member made the motion to nominate a member to the vacant positions. In order to ensure that our By-Laws are followed, we have to rescind the motions.

- ***Rescind Chairman Vote***

- Kirk Myhill made a motion to rescind the nomination of Brian Napoli as Chairman. Seconded by Bruce Kirby and carried by all voting members.
- **Rescind Vice Chairman Vote**
 - Gary Daum made a motion to rescind the nomination of Dan Strong as Vice Chairman. Seconded by Kirk Myhill and carried by all voting members.

RESOLUTION FOR APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN: Orleans County Planning Board members discuss the nomination of the Chairman and Vice Chairman. The nominating board has nominated Brian Napoli as Chairman and Dan Strong as Vice Chairman.

- **Chairman Vote**
 - With no one showing interest in being Chairman the vote for nominating Brian Napoli as Chairman was as follows All Ayes, with No Nays (Brian Napoli abstaining)
- **Vice Chairman Vote**
 - With no one showing interest in being Vice Chairman the vote for nominating Dan Strong as Vice Chairman was as follows: All Ayes, with No Nays. (Dan Strong abstaining)

HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY 2023: C. Winters tells the members that Orleans County will be hosting its annual Household Hazardous Waste Collection day this year on August 12, 2023, at the usual place of the County Highway Garage. He mentions that the department is still working on all of the details, so expect more information in the upcoming months. C. Winters mentions that the 10 tires per resident will continue. Legislator Bill Eick asked if there would be a collection for the tires located at the municipalities' highway garages. C. Winters replies by saying that would be a question for Jim since he is the director of this program, I know we have done that in the past, but not sure if that will be part of it this year.

NEW YORK STATE IN-PERSON TRAINING SESSION 2023 – TOPIC DISCUSSION: C. Winters informs the board members that we will be hosting New York State In-Person Training Session in June located at HOAG Library. All CPB Members are invited, along with Code Enforcement Officers, Zoning, and Planning Board Members. We are also inviting Niagara County officials as well. This training session will be 4 hours. Since we are hosting, we need to figure out what training topics we want for this session. C. Winters reminds the board that last year's topics were as follows, Hot Button Topics, Short-Term Rentals, and Skills that Make Great Board Members. C. Winters suggests the following topics for this year's session: Joint Boards: Options for Consolidating Review Board, Public Meetings and Hearings, SEQR: The Short Environmental Assessment Form, and Affordable Housing. Members who attended in person received a training course catalog for them to review, so by the next County Planning Board meeting, we can have a discussion about which topics we will receive training on. We want to figure this out now, to allow enough time to notify the presenters from the State, and allow enough time for people to register for the training session.

ADJOURNMENT

There being no further business Bruce Kirby made a motion to **ADJOURN** at 8:00 p.m., seconded by Paul Schwenk and carried unanimously.

Respectfully Submitted,

Corey D Winters

Corey D Winters
Planner/Acting Secretary