



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  
September 28, 2023

Virtual Participation  
Originating from Chamber

**CPB ATTENDING:** Janet Navarra-Salvatore, Michael Massaro, Christopher Kinter, Bruce Kirby, George Avery, Richard Moss, David Knapp, Kirk Myhill, Gary Daum, Daniel Strong, Brian Napoli, Bill Eick (Legislator)

**CPB ATTENDING VIRTUALLY:** Thomas Keeler, Bruce Newell

**CPB EXCUSED:** Darryl Sanford

**CPB ABSENT:** Kevin Parker, Wesley Miller, Kevin Johnson, Russell Bosch, Chris Watt, Monica Seeler, Daniel Gardner, Thomas Fenton, Timothy Elliott, Edward Urbanik

**GUESTS:** Karen Conn, Carol McNeese, Bob Boyer, Diania Kay Reed, Terry Wilbert, Kat Wilbert, Tom Rivers

**STAFF:** Corey Winters

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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

Christopher Kinter made a motion for **APPROVAL** of the **July 27, 2023** minutes due to the August meeting being canceled, seconded by Bruce Kirby and carried unanimously.

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

## ZONING REFERRALS

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### *23-15 Village of Albion*

### *Request for Special Use Permit and Site Plan Review to convert a vacant adult assisted living complex into a multi-family apartment complex. Project located at 355 South Main Street.*

C. Winters states that the applicant is requesting a Special Use Permit and Site Plan Review to convert the vacant adult assisted living complex located at 355 South Main Street into multi-family apartments. The current complex is an allowable pre-existing use per the Village of Albion Zoning code, due to the complex being an adult assisted living complex previously. The complex would consist of 18 units according to the submitted site plan. Of those 18 units, four (4) of them would be studio apartments, while the remaining 14 would be single-bedroom apartments.

The application mentions that they are planning to leave the exterior of the complex as is along with the stormwater management systems. They will be however upgrading landscaping and the parking lots where needed. The current parking lot has 19 parking spaces 2 of them being handicap accessible. The site plan does call out an area for future expanded gravel parking, which would allow for 20 more parking spaces. The site plan does not call for any additions and/or outdoor features that do not already exist. For example, patios for social gatherings play areas for kids, or a community center like seen at other complexes. At the time of the Orleans County Planning Board review, it is unknown if the applicant has confirmed and/or has tents already who preordered these apartments once the complex is operational.

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. The proposed parcel does not contain any species of animals, or associated habitats that are listed by the State or Federal government as threatened or endangered. According to SEQR, the property is not located within a 100-year floodplain and does not contain any wetlands. Since everything already exists, there is not much of an environmental impact change for this project; the only aspect that could potentially change the water runoff is the completion of the expanded parking lot, while it does mention it will be gravel, the surface will be somewhat permeable.

C. Winters discusses that Article IV §290-A within the Village of Albion's Zoning Code states that off-street parking for ALL residential dwellings must have a minimum number of 2 spaces per dwelling unit.

As for traffic-generating characteristics, C. Winters stated that over time this application would increase the traffic-generating characteristics of the area. Due to it being a multi-family apartment complex, not all the apartments will be filled at the same time. However, with it being located on a main road, it is capable of handling the increased traffic, since it is a main connecting road from the Village of Albion's Downtown Business District, to the New York State Interstate 90 and the City of Batavia. The location of the site does have sidewalks, so people living at the complex can walk using the sidewalk to the Downtown Business District without being in the street. Lastly, C. Winters mentions that with the parking lot having more traffic, only having one entrance and exit point could cause traffic congestion.

After C. Winters provided the summary of the application to the CPB Board members, Janet Navarra-Salvatore added more information regarding this application. She stated that the Village of Albion has requested the owner of the complex to extend the fence that already exists, between the complex and the residential property

to the North. She stated that they want the fence to match the material that is already there or to plant trees and shrubs instead. She mentions that the Village does have concerns regarding having one entrance into the parking lot. They have been in conversations with New York State regarding options, of possibly having a larger curb cut or a second entrance. They have not heard back from New York State as of when the Orleans County Planning Board has reviewed this application.

Janet Navarra-Salvatore stated that the Village has had conversations regarding the future parking lot. They mentioned that they want to have it stone before it is paved to see how drainage and runoff will be affected on the property. Janet Navarra-Salvatore followed up with the comment during the introduction regarding outdoor gathering spaces. She mentions that the outdoor gathering area for the residents will be located within the courtyard that the building surrounds, and will not be visible to people and the surrounding area. Janet Navarra-Salvatore added that all outdoor lighting on the building will be dark sky-compliant. D. Knapp asked are there going to be any exterior expansions or renovations; Janet Navarra-Salvatore replied no, all improvements and renovations would take place on the interior.

D. Strong asked that are the unnamed rooms going to be on the floor plan. Deb Boyer (Representing the Applicant) mentions that they will be used for gathering rooms (TV Rooms, Game Rooms, Gyms, etc.) D. Strong adds has the applicant has been in contact with OEM regarding tire access and how will the remodel be up to the New York State Fire Code. They state that the applicant and the Village have not been in contact with OEM, and the remodel will be up to the New York State Fire Code because they will not receive the occupancy certificate if it is not up to the current New York State Fire Code.

D. Strong believes having a gravel parking lot would not be ideal, due to snow removal, and the weight of the fire trucks and other equipment if they would have access to that parking lot. D. Knapp agrees with D. Strong comments regarding the gravel parking lot. D. Strong asked what kind of rentals these be, Janet Navarra-Salvatore mentioned that these apartments would be leases not short-term rentals or any other forms of rental styles. D. Strong suggested leaving the planned second parking lot gravel for the first winter months, but having a hard deadline of when the lot needs to be paved, preferably by mid-spring.

Lastly, Janet Navarra-Salvatore mentioned that the buyer is withholding giving more details and information regarding certain questions and topics. This comment was brought up by several questions that the CPB members had that no one could answer.

**RECOMMENDATION FOR 23-15:** Kirk Myhill, made a motion to **Return the application to the Village of Albion.** Seconded by David Knapp and carried by all voting members (Janet Navarra-Salvatore, Michael Massaro, and Christopher Kinter abstaining).

***Reasons for Application to be returned to the Village of Albion:***

1. Village of Albion representatives stated that the Village of Albion Planning Board had too many unanswered regarding this application.
2. Orleans County Planning Board Members have concerns about the unanswered questions and did not feel comfortable providing a recommendation based on all of the uncertainty.
3. Questions:
  - a. Have local Fire Company and OEM (Orleans County Emergency Management) review the site plans
    - i. Questions regarding fire lanes, access to the building, if the parking lot is stone, can whether the expanded parking lot withstands the load of the fire equipment.

- b. Do the emergency exits located on the building need to have solid surfaces leading to the parking lots
  - c. Expanded parking lot being stone, would make snow removal more challenging
  - d. With both parking lots totaling 38 total parking spaces, is only having 2 handicap spaces sufficient?
  - e. What are the unnamed rooms going to be used for based on the floor plan?
    - i. Gathering spaces, Gym, etc.
  - f. Where would the outdoor gathering spaces be located?
  - g. Follow up with the applicant regarding the fence expansion located on the North side of the property line, to provide more screening between the complex and the residential house.
4. While the site plan does call for a future expansion of the second parking lot, it can stay gravel for the winter, but have a deadline for when it has to be paved. For example, the parking lot must be paved by May 31<sup>st</sup>.
  5. With the monthly rent of what the applicant is looking to achieve with these units, do they have people willing to rent and live at this location? Do they have a secondary business plan for these units when they need to fill the vacant unit or having trouble finding people willing to pay their asking price for these units?

**Comments:**

- Per the note on the SEQR there on concerns about this development affecting the quality of the neighborhood, the Village of Albion Code Enforcement Officer would need to pay close attention to the property, to make sure that all zoning regulations are followed. The Village of Albion can also add conditions to the application, to help minimize the effect on the neighborhood.
- With the parking lot having more traffic, only having one entrance and exit point could cause traffic congestion, there should be a conversation with the Owner, Village of Albion, and New York State regarding a possible second entrance into the parking lot.
- Once all of these unanswered questions and concerns are addressed, and the Village of Albion's Planning Board is satisfied with them, then send the application back to CPB for their review.

**23-16 Village of Holley**

***Request for Use Variance. The Village of Holley wants to amend the current Use Variance for a business to include service to small engines other than Lawn Tractors and Snow Blowers. Project located at 155 W. Albion Street.***

C. Winters introduces the application to the board, stating that the applicant is requesting that the Village of Holley amend the current Use Variance currently in place for the current business/property, located at 155 West Albion Street. The original Use Variance was for the business to operate as a lawn mower and snow blower repair and offer models for sale. The new owner would like to also operate as a lawn mower and snow blower repair but to include other small engines such as off-road vehicles such as ATVs, and snowmobiles. The new business will not be selling models according to the Village of Holley but they do plan to sell accessories and parts. The existing fence located on the property will remain as well according to the submitted application.

The business will be using the existing structures located on the site, and use the vacant lot of land adjacent to the business. The business is located on a 1.2-acre parcel, since the business will be using the existing structure,

no land will be physically disturbed. Since the structure is pre-existing, it is already connected to public water and public wastewater utilities.

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. The proposed parcel does not contain any species of animals, or associated habitats that are listed by the State or Federal government as threatened or endangered. According to SEQR, the property is not located within a 100-year floodplain and does not contain any wetlands.

During the Village of Holley ZBA Appeal process, the applicant stated that hardship with the current Use Variance because in today's economy, he would not be able to sustain a business doing only lawn and garden equipment, he applicant states that he would need to service other types of equipment during the off-season. During the ZBA appeal process, he also stated that he would not be making changes to the building or the type of work being done in the building, which would make it different than what it is currently being used for.

C. Winters added that this project would not substantially increase traffic above what is present, and with the business being located on a main road for the area, the road and handle the increased traffic from the business. With that said, there are larger businesses located just over the bridge (Holley Cold Storage and Dollar General, and the large business located on Maziar Drive) that provide more traffic-generating characteristics than this small engine repair business would generate.

Carol McNees who is the intern Code Enforcement Officer for the Village of Holley added that the new owners are the ones who are requesting a revision to the Use Variance, so they can work on more than just lawn and garden engines. She mentions that she believes that this process was done incorrectly back in the 1970s by the way of a building permit, and now she is trying to correct it so it is correct moving forward.

Several CPB members agree that the terms and language of this Use Variance are very limited, Carol McNees and the Village of Holley's attorney also agrees with that statement.

After lengthy conversations and discussions, the CPB has reached several alternative methods for this application. The solution of having the parcel rezoned to commercial would be the best option, and would not be considered spot zoning due to parcels adjacent also being zoned commercial. C. Winters adds that by having this parcel rezoned commercial, it opens up the market if this new owner ever wants to sell the business, rather than trying to find someone who had a similar business plan as the previous owners.

[RECOMMENDATION FOR 23-16:](#) K. Kinter made a motion to **Return the application to the Village of Albion.** Seconded by Gary Daum and carried by all voting members (No Members (No Village of Holley Rep on CPB) abstaining).

***Reasons for Application to be returned to the Village of Holly:***

1. CPB agrees that revising the current Use Variance is not the proper solution for this application.
2. The CPB Board came to a consensus that perhaps the best solution for this application is to rezone the parcel in question to commercial rather than amending the Use Variance.
  - a. Since the parcel is adjacent to another commercial-zoned parcel, it would not be considered spot zoning.

***Comments:***

- CPB Members, the Intern Code Enforcement Officer, and the Villages Attorney agree that the terms used for the original Use Variance and the proposed Amendment have restrictive terminology that makes it hard to come to a consensus.
- Once the parcel is rezoned, then resubmit the application to the County Planning Board for review.

## **OTHER BUSINESS**

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[Niagara County Hosted Training Session](#): C. Winters updates the CPB members on an upcoming training session that is located in Niagara County. C. Winters states that it would be held on October 24, at the Center of Economic Development. This training session is for 4 credit hours and is Free to attend. He states that you can call their office or see the handed-out that each member has received to register. He urges members to sign up quickly since there are 75 spots available.

[Genesee Finger Lakes Regional Planning Council – Fall 2023 Training Workshop](#): C. Winters updates the CPB members on an upcoming training session that is located at the Conference Center at Wayne/Finger Lakes BOCES located in Newark, NY. This training session will take place on November 9, and attendees can earn up to 6.5 credit hours. The cost of this workshop is \$75 and your municipality should be able to reimburse you for the cost of this training. Call our office if you want to register and we can email you the link to the event.

[FEMA New Flood Rate Insurance Maps – Open House Event](#): C. Winters updates the CPB members that FEMA has released new flood insurance maps for Orleans County. It is the first time these maps have been updated since 1979. At this time, these maps are open for public comment. During this open house event, residents will be able to talk one-on-one with FEMA representatives, to learn about their flood risk and to get information on potential changes to flood insurance rates and requirements. The event will take place on October 12, at HOAG Library, from 3pm-7pm. Each member in person has received a flyer during the meeting, and the flyer has been emailed to all the Town and Village Clerks.

[Update to our Online GIS Mapping for Public Use](#): C. Winters updates the CPB members on the new Online GIS Mapping for Public Use. He states that this is a long time in the works, and the data has not been updated since 2018. He gave a list of what information can be used:

- Municipal Boundaries
- Parcels (includes Address, Garbage Pick up, Property Class Code)
- Orleans County Legislative Districts
- Orleans County Senatorial Districts
- Orleans County Assembly Districts
- Orleans County Voting Districts and Voting Locations (Still working on)
- Agricultural District No.1 as of 2023
- 100 – Year Flood Plain
- KYC LWRP
- Parks
- Schools Districts and School Locations
- Zoning Districts

C. Winters mentions is next for the website, he mentioned that he plans to have PDF documents for public to open, download and print. Some of the PDFs are:

- Snowmobile Trails

- Voting Districts
- Voting Locations
- Orleans County Legislative Districts
- Orleans County Senatorial Districts
- Orleans County Assembly Districts
- Highway/Road Maps

He is also planning on updating the Orleans County Zoning Referral Online GIS map with the most updated parcels. This map is used to highlight parcels and areas that would trigger a Orleans County Planning Board Review, per General Municipal Law §239-m.

Lastly, C. Winters gave all the members a demo of the new GIS tool, showing the different layers and information associated with it. He also demonstrated the measure tool in the GIS Mapping program, while this won't be highly accurate, it would be enough to determine certain setbacks and if a variance would be needed for projects.

### **ADJOURNMENT**

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There being no further business David Knapp made a motion to **ADJOURN** at 8:30 p.m., seconded by Christopher Kinter and carried unanimously.

Respectfully Submitted,

*Corey D Winters*

Corey D Winters  
Planner/Acting Secretary