

Town of Torrey Zoning Board of Appeals
June 1, 2020
Public Hearing

Present: Chairman Chris Hansen Vice Chairman Tony Cannizzaro, Mark Gifford, Bob Constantine, George Dowse

Others present: Nancy Preziosi, Daryl Daggett, Dwight James Code Officer, Dan Higgins.

Chairman opened the public hearing at 7:03 PM. He asked the secretary to note members present.

Special Use # 20-01 Daniel Higgins DBA Lakeway Wheels LLC request a special use permit to sell used cars on his property at 1724 Rte 14 the former Citgo Gas Station. A Special Use Permit is required for used cars sales in the Community Center District per Torrey Zoning Law § 98.65.

Town Law Section 267 Art.16 All property owner(s) within 500' of property line of 1724 Route 14, being land affected by a zoning change must be notified.

Notices sent to the following by clerk:

Harold Johnson 889 Rte 54 Penn Yan, NY 14527
Carl & Mary Nelson 886 Rte 54 Penn Yan, NY 14527
Peter & Mauve Chapman 875 Rte 54 Penn Yan, NY 14527
Carol Brown 853 Rte 54 Penn Yan, NY 14527
Aaron Martin 1748 Pre Emption Rd Penn Yan, NY 14527
Joseph Ostroski 852 Rte 54 Penn Yan, NY 14527
Nancy Preziosi PO Box 133 Dresden NY 14441
Leo J DelRossa 860 Rte 54 Penn Yan, NY 14527
Mary Henderson 876 Rte 54 Penn Yan, NY 14527
Cynthia Davis 842 Rte 54 Penn Yan NY 14527
Mike Garrison 827 Rte 54 Penn Yan, NY 14527
Paul Perotto – Mr. Twisteas 758 Pre Emption Rd Geneva NY 14456
Mike Kenyon - Dairymans Diner- Box 81 Dresden NY 14441
Daryl & Nate Daggett Box 82 Dresden NY 14441
Tim Hansen - 2244 Hansen Pt Penn Yan, NY 14527
Dresden Commons – Box 188 Dresden NY 14441
Frederick Zimmerman 3836 Rte 5 & 20 Canandaigua NY 14424

Torrey Planning Board on February 17, 2020 recommended approval. The use of the site will not change from its current illegal use.

Yates County Planning Board on February 27, 2020 tabled decision,

June 1, 2020 a letter to Dwight James, Torrey Code Officer from Yates County Planner Dan Long stated County has determined that granting this Special Use Permit as proposed, would have a negative County-wide impact as there was no proposals to address the deteriorating conditions present on the parcel, both the structures and lot itself. There are above and underground storage tanks that should have been inspected on a regular basis, based on DEC regulations to detect any leaking from said tanks.

STATEMENT OF THE CASE Special Use # 20-01 application

Dan Higgins presented his case. Before purchasing this property in 1997 he spoke with Town Clerk "Dee Dee" she didn't think a permit was needed to sell cars on property, to go ahead. He was surprised when Code Officer James sent him a letter about Special Use Permit needed to sell used cars. He stated in March he submitted his application and has had a NYS Dealers License for 18 years for this site.

Mr. Higgins was not aware of any zoning changes in the Town of Torrey, he feels his business should be grandfathered, exempt from all zoning changes.

Chris asked about the tanks above and underground on this property. Are they inspected?? Referring to the Yates County Planning Board letter.

Mr. Higgins replied there are no above ground tanks and presented permits from NYS DEC for the underground tanks expiring July 2021, he did not offer this proof for the file. He stated he pays \$ 500. for these permits.

He cannot sell the property as no one wants old gas stations. He has not received a tax bill from the Town & County or School in 13 years. Does not know why he is exempt. There is kerosene in the ground in one area from the former owner.

Chris asked about the building deteriorating condition. What is the plan of action?

Mr. Higgins stated last year he contacted three contractors for estimates on repair cost, who didn't show up. Why single him out, stating there are a lot of property's in disrepair in Town. Like Daggett's Garage up the road. A lot of cars in the back of that business, they are operating a junk yard.

Bob asked if there will be mechanical repairs on the car lot, Mr. Higgins stated Lanphears Garage up the road does any repairs at their shop.

Nancy Preziosi asked how the used car sales will affect the neighborhood. Will there be nighttime hours, security lighting, what will be the hours of operation. She is concerned if there is security lighting, more potential customers while viewing the used cars during nighttime hours, will be parking with the headlights directed into her home.

Daryl Daggett stated while he was applying for a special use permit for his salvage yard in 1987 he was denied, because there was one old car belonging to property owner on site. He had to remove the car and begin the process over before the application could be heard. Also concerned of over- limit for signage on property.

Tony stated the NYS DOT has oversight on signage along Routes 14 & 54, there is a permitting process.

Dwight will address signage issue. Brief discussion of regulations on size of signage in Zoning Law.

Mr. Higgins stated he was not aware of sign laws. He has two signs required at this site for the used car sales. He is willing to remove the Torrey Station and Citgo signs.

There being no further questions, Chris thanked attendees and closed the hearing at 7:29 pm.

Chairman opened the next public hearing at 7:31 PM. He asked the secretary to note all members present.

Others present, Jim Brawdy- Brawdy Marine, Matt Kerwin – Attorney for AT & T, Mark Fuentes- agent of Airosmith

Area Variance # 20 -02

AT&T Mobility Corp to construct and operate a 100' telecommunications self-support tower with 4' lightning rod on a 11'6" x16' equipment platform at 1803 Kings Hill Road Town of Torrey., An Area Variance is needed as the tower exceeds the maximum height allowed in an Light Industry District per Torrey Zoning Law § 98.82.

Town Law Section 267 Art. 16 All property owner(s) within 500' of property line of land affected by a zoning change must be notified.

Notices sent to the following by clerk:

52.01-1-35.1 Paul Weaver dba Weaver Hydraulic 645 Oliver Rd Penn Yan, NY 14527

52.21-1-2.11 Landis Scaping & Design Box 53 Dresden, NY 14441

52.21-1-1.1 Brawdy Properties Box 452 Clarence Center NY 14032

52.21-1.231 Faulkner Truss Box 407 Hammondsport NY 14840

52.31-1-1 Ferro Corp. 1789 Transelco Drive Penn Yan, NY 14527

52.21-1-2.11 Greenidge Generations Box 187 Dresden NY14441

STATEMENT OF THE CASE Area Variance # 20 -02

Matt Kerwin, Attorney for AT &T Mobility Corp. presented the application. Design, layout and site plans were reviewed and discussed. Monopole design was reviewed. There will be very minor land disturbance to Brawdy Marine property. Existing and proposed cell tower coverage maps were reviewed. As cell towers are considered essential services, they fall under public utilities in regards to zoning. With this tower's placement, coverage will be increased considerably for area and as well as across Seneca Lake. Discussion on an area with low signal, aligns with the Keuka Outlet's steep shale gorge walls.

Bob inquired about emergency access, Mr. Kerwin stated this is addressed in lease, allowing access for AT &T and emergency services.

Question on noise, Mr. Kerwin stated there will be noise from generator onsite during an emergency power failure. Normal monthly maintenance checks will be performed, creating generator noise for a minimal time.

No one appeared in support or opposition of this application

There being no further questions, Chris thanked attendees and closed the hearing at 7:52 pm.

Respectfully submitted,

Betty M Daggett

Town of Torrey Zoning Board of Appeals

Regular Meeting minutes

June 1, 2020

Present: Chairman Chris Hansen, Vice Chairman Tony Cannizzaro, Mark Gifford, Bob Constantine, George Dowse

Others present; Jim Brawdy, Matt Kerwin, Mark Fuentes, Dwight James Code Officer
Chris called meeting to order at 7:54 PM, all members present.

Motion by Mark, 2nd George to approve the minutes of the March meeting carried.

Area Variance Application 20-2

AT&T Mobility Corp to construct and operate a 100' telecommunications self-support tower with 4' lightning rod on a 11'6" x16' equipment platform at 1803 Kings Hill Road Town of Torrey., An Area Variance is needed as the tower exceeds the maximum height allowed in an Light Industry District per Torrey Zoning Law § 98.82.

Motion by Tony 2nd Bob to accept the application as complete, carried.

Chris offered the following resolution 2nd by Tony,

WHEREAS, as an application for an Area Variance for Height # 20-2 was received on 3/30/20 from AT & T Mobility Corp to construct and operate a 100' telecommunications self-support tower with 4' lightning rod on a 11'6" x16' equipment platform at 1803 Kings Hill Road Town of Torrey. An Area Variance for Height is needed as the tower exceeds the maximum height allowed in an Light Industry District per Torrey Zoning Law § 98.82 and was filed with the Town of Torrey Zoning Board of Appeals (hereinafter ZBA) and,

WHEREAS, after due public notice of such, a public hearing on said application was held by the ZBA on June 1, 2020 in the town highway garage (due to Covid19 restrictions and social distancing requirements) at 56 Geneva Street, Dresden, Yates County, New York, at this time information was presented on the applicants behalf, and

WHEREAS, at said hearing there was no one spoke in support or opposition, now,

THEREFORE BE IT RESOLVED that the application for an Area Variance for Height # 20-2 of AT & T Mobility Corp to construct and operate a 100' telecommunications self-support tower with 4' lightning rod at 1803 Kings Hill Road Town of Torrey, exceeding the maximum height allowed in Torrey Zoning Law for an Light Industry District is **GRANTED**

This by roll call vote

Hansen – Aye, Cannizzaro- Aye, Gifford- Aye, Constantine- Aye, Dowse- Aye
Carried 5-0 **Granted** with no stipulations.

Special Use Permit # 20-1 Daniel Higgins DBA Lakeway Wheels LLC request a special use permit to sell used cars on his property at 1724 Rte 14 the former Citgo Gas Station. A Special Use Permit is required for used cars sales in the Community Center District per Torrey Zoning Law § 98.65.

Motion by Tony 2nd Mark to accept application as complete, carried.

Chris declared the Zoning Board as lead agency on the short form of SEQR “State Environmental Quality Review”

Chris read each question aloud to the members for decision. On each item a negative finding was determined.

Motion by Tony 2nd Mark to accept the completed SEQRA and its findings, a negative declaration, that the proposed action will not result in any significant adverse environmental impacts. Carried by all.

Declaration vote- Hansen- Aye, Cannizzaro Aye, Gifford Aye, Constantine-Aye, Dowse-Ayes 5 Ayes 0 Nays

After a discussion regarding stipulations, the following resolution was offered by Chris 2nd Mark

WHEREAS, as an application Daniel Higgins DBA Lakeway Wheels LLC request a special use permit to sell used cars on his property at 1724 Rte 14 . A Special Use Permit is required for used cars sales in the Community Center District per Torrey Zoning Law § 98.65 was filed with the Town of Torrey Zoning Board of Appeals (hereinafter ZBA) and,

WHEREAS, after due public notice of such, a public hearing on said application was held by the ZBA on June 1, 2020 in the town highway garage (due to Covid19 restrictions and social distancing requirements) at 56 Geneva Street, Dresden, Yates County, New York, at this time information was presented on the applicants behalf, and

WHEREAS, at said hearing all desiring to be heard were heard, and

WHEREAS: This application involves a Type II action as defined by the State Regulatory for Environmental Quality Review so that no further Environmental Assessment is required, now

THEREFORE BE IT RESOLVED that the application # 20-1 Special Use Permit of Daniel Higgins DBA Lakeway Wheels LLC request a special use permit to sell used cars on his property at 1724 Rte 14 is granted with stipulations as recommended by Yates County Planning Board.

This by roll call vote Hansen – Aye, Cannizzaro- Aye, Gifford- Aye, Constantine- Aye, Dowse- Aye Carried 5-0 **Granted** with following stipulations.

1. Maximum of 8 used cars for sale on premises

2. Submit an Action Plan for repair, remove and or replace deficient structure and site elements within 60 days of date of this letter
3. In compliance of submitted action plan for repair, remove and/ or replace deficient structure and site elements within 1 year of date of this letter.
4. Provide documentation that all tanks are in serviceable /inspected conditions, or have the tanks removed in conformance with NYS DEC guidelines
5. If lighting is installed at a future date, it must be dark sky compliance lighting.
6. Premise shall be in compliance with Town of Torrey Zoning laws

Failure to comply with any of the said stipulations will result in immediate revocation of the Town of Torrey Special Use Permit.

Annual \$ 25.00 renewal fee of this permit must be paid to Town of Torrey.

Chris made a motion to adjourn 2nd by Tony carried at 8:25PM

Respectfully submitted,

Betty M Daggett