

TOWN OF VIRGIL PLANNING BOARD
Minutes of Regular Meeting - Monday, 26 March 2018 – 7 PM
Town Hall – 1176 Church Street – Virgil, NY 13045

Board Members (*absent)

Jeffrey Breed, Chairman
Gary Wood
Carole Lathrop
*Ann Howe
Mark Baranello
Dale Taylor, Alternate

Others Present

Patrick Snyder, Town Attorney
Joan Fitch, Board Secretary
John Kaminski, Town Supervisor
Jereme Stiles, Deputy Town Supv.

Applicants & Public Present

Kenneth Woodworth, Applicant; David Forehand & Chuck Feiszli, PE, for Reigning Miracle Ministry, LLC, Applicant.

REGULAR MEETING

The Regular Meeting of the Town of Virgil Planning Board was called to order by Chairman Breed at 7 p.m.

OLD BUSINESS (FOLLOWS NEW BUSINESS)

NEW BUSINESS

Kenneth Woodworth, Applicant/Reputed Owner – 1463 Congdon Lane – TM #106.00-07-06.000 – Conditional Permit for Proposed Gun Shop

Chairman Breed recognized the applicant who explained that he would like to section off part of his pole barn to accommodate a gun shop “to do transfer of firearms and special orders customers want,” as indicated on page 1 of the Short Environmental Assessment Form accompanying his application. He would have all required security systems and be open two evenings per week from 4 p.m. to 8 p.m., and by appointment. Mr. Woodworth, an avid shooter, stated he frequently saw guns being “traded amongst people and not really being transferred the way they should.” This is part of the reason he wants to open this business.

Member Carole Lathrop asked the applicant if he planned to have some kind of a sighting range, and Mr. Woodworth responded that he does now, having a 10-foot high berm that’s 8 feet wide and 30-feet long. He has a driveway that goes directly to the pole barn which would accommodate what he would expect—a couple people/vehicles at the same time that would be there for transfers.

Member Mark Baranello asked applicant about his neighbors’ concerns, if any, and he responded that all of his neighbors were shooters, and he had talked with some of them about what he was proposing. The Board felt a public hearing would be held.

Member Gary Wood stated that the only way he saw what was being proposed fitting into the zoning was as a home occupation, and a home occupation had to be done in the house. Mr. Woodworth asked if a garage attached to his house would suffice, as he has an upstairs in his garage he could use. Member Wood thought doing this would cause another problem such as fire separation. He then gave the applicant the relevant portion of the Code to “scan” regarding home occupations.

Mr. Woodworth then mentioned putting the proposed gun shop in his basement; Member Wood said this should be brought up with the Code Office, and advised the applicant to check it out and come back before the Board next month.

Member Wood then asked should the Board then do the SEQRA review and, after a brief discussion, it was decided that a public hearing should be held first for the Conditional Permit.

With no further discussion, a **motion was made by Member Wood to table the request for a Conditional Permit for a proposed gun shop until the Board’s 23 April 2018 meeting and also to set a Public Hearing for 23 April 2018 at 7 p.m. The motion was seconded by Member Lathrop, with the vote recorded as follows:**

Ayes: Chair Breed	Nays: None
Member Wood	
Member Lathrop	Absent: Member Howe
Member Baranello	
Alternate Member Taylor	

Motion carried.

This becomes Action #8 of 2018.

OLD BUSINESS

Reigning Miracle Ministry, LLC, Applicant/Reputed Owner – 2981 Douglas Road – TM #105.00-07-12.000 – Site Plan Review & Conditional Permit for Proposed Religious Education Building

(Reference is made to the December 2017 and January 2018 Minutes of this Board for additional information regarding this application.)

Chairman Breed recognized the applicant’s engineer, Chuck Feiszli, who stated that he understood the process for approval, and he was here to get the SEQRA completed in order to proceed changing the law. Once these are completed, then Site Plan Review can proceed. Town Attorney Patrick Snyder explained a timeline to Engineer Feiszli.

Member Wood commented on the public water/sewer systems. Town Attorney Snyder thought the first thing to decide was if there was enough information for the Board, under SEQRA, to make a Negative Declaration and, if not, what more is needed. Engineer Feiszli distributed a revised drawing dated 15 January 2018 and explained what was revised (e.g., moved septic system to accommodate future parking). The church, eventually, will move into the proposed building. Member Wood stated that he thought the Board should have something from the County Health Department that shows it considers the sewer system public. Engineer Feiszli said that the water system was considered a “community water system” as the Health Department oversees it; he was unsure of the septic system. Sufficient area has been set aside in case there is a failure of this system.

Member Taylor asked about usage, and Mr. Forehand responded that the school currently has twenty students and four or five teachers, Monday thru Friday, and on weekends the church averages from 70 to 100. Engineer Feiszli advised that the design is based on occupancy.

Chairman Breed reviewed the Code Enforcement Officer’s 3/21/18 email comments regarding the applicant’s responses on Part I of the SEAF. These comments were reviewed with Engineer Feiszli, and have been placed on file for the record. Regarding Item #10, Chairman Breed stated he needed to touch base with CEO Kevin McMahon to “see where he’s coming from.”

After completing the review of the CEO’s email, Attorney Snyder explained the process from here. Is there enough information? He explained what would happen if a Positive Declaration was made.

The Board then conducted a thorough review of the applicant's responses to all the questions in Part I – Project Information, of the SEAF, as follows:

ITEM NO.

1. *No Change.*
2. *Change to Yes; County Health Department approval required.*
3. *No Change.*
4. *Add check mark to "Commercial."*
5. *Change a. to No; b. No Change.*
6. *No Change.*
7. *No Change.*
8. *No Change.*
9. *No Change.*
10. *No Change.*
11. *No Change.*
12. *No Change.*
13. *Change a. to No; b. No Change.*
14. *Add check mark to "Agricultural/grasslands."*
15. *No Change.*
16. *No Change.*
17. *No Change; add under b. "directed to existing onsite systems."*
18. *No Change.*
19. *No Change.*
20. *No Change.*

Engineer Feiszli agreed to the revisions, re-signed and re-dated the form, affirming the changes as made and recommended by the Board.

The Board Secretary, at the request of Chairman Breed, read aloud Part 2 – Impact Assessment of the SEAF. Responses to Items 1 thru 6 and 7b. thru 11 were "No, or small impact may occur." Item 7 a., Will the proposed action impact existing public/private water supplies? was checked "Moderate to large impact may occur." Attorney Snyder commented that the Board needed more feedback to get a "solid record." Documentation was needed to support a Negative Declaration. Engineer Feiszli responded that he had documentation from the Health Department that he could provide; Attorney Snyder thought that would be "ideal." Chairman Breed agreed that evidence was needed to complete Part 3 of the SEAF.

