

TOWN OF VIRGIL PLANNING BOARD
Minutes of Regular Meeting - Monday, 18 December 2017 - 7 PM
Town Hall - 1176 Church Street - Virgil, NY 13045

Board Members (*absent)

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

Others Present

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

Applicants & Public Present

David Forehand and Engineer Chuck Feiszli for Reigning Miracle Ministry, LLC, Applicant.

REGULAR MEETING

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

OLD BUSINESS

None

NEW BUSINESS

Murray E. & Jane M. Banks Trust, Applicant/Reputed Owner - Clute Road - TM #127.00-06-03.000 - Proposed Minor Subdivision/Lot Line Adjustment

Acting Chairman Wood acknowledged that there was no one present to represent the applicant who was seeking approval to subdivide a 1±-acre parcel from the subject property to be sold to an adjacent landowner who would consolidate it with his parcel to enhance his privacy. Town Attorney Snyder advised that what was being proposed was a lot line adjustment and that this request is a Type II Action and requires no SEQRA.

A motion was then made by Member Carole Lathrop to approve the Lot Line Adjustment, as requested, with the subdivided portion to be consolidated with an adjacent parcel, and conditioned upon submittal of the required survey maps. The motion was seconded by Member Mark Baranello, with the vote recorded as follows:

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

Motion carried.

This becomes Action #22 of 2017.

Reigning Miracle Ministry, LLC, Applicant/Reputed Owner - 2981 Douglas Road - TM #105.00-07-12.000 - Proposed Religious Education Building

Acting Chairman Wood commented that he was concerned over the public water and sewer facilities because it's unclear what was previously approved in this PUD, and he wanted to make sure it was understood that the intent is to continue use of the onsite facilities until such time as there are public facilities available. He also reported that he had talked with the head of Environmental Health who said he was happy with what the owner is doing at this time. Acting Chair Wood also stated that the Board could do either one of two things at this meeting: (1) waive the public hearing for the Site Plan and proceed with that, or (2) postpone that and set a date for the mandatory public hearing for the Conditional Permit and do both at the same time.

Acting Chair Wood reported that he had done some research and was convinced that the Master Plan, as presented, is what the Town Board had approved. He also acknowledged that the ZBA had tabled the applicant's variance request as the applicant was not there. It is noted for the record that both the applicant's representative, David Forehand, and their engineer, Chuck Feiszli, were present for this meeting.

Acting Chair Wood distributed email communications he had with Dan Dineen, County Planning Director concerning Gary's concern with the subject's sewer/water facilities. A copy of this has been placed on file for the record. Also submitted was "Drinking Water Program: Frequently Asked Questions," taken from the internet, along with a portion of the Town Law regarding this parcel which was rezoned from Industrial to Planned Unit Development.

Phase I of this project was previously approved based on the Master Plan that was presented, he continued. Acting Chair Wood then read aloud Sections I thru IV of the aforementioned Local Law. Public water supply or not? This was thoroughly discussed. Town Councilman Jereme Stiles said it was considered a municipal supply as it is being monitored.

Acting Chair Wood commented to Engineer Chuck Feiszli that he had requested a copy of the actual Site Plan that was approved, and Mr. Feiszli stated he could not find one in his files, but the Town should have one attached to the file establishing the PUD. He distributed a copy of the 2008 Master Plan he had.

Proposed parking spaces were reviewed (66±). Mr. Forehand stated they had 15-20 students who would utilize the new building. They would adhere to all Health Department requirements with regard to kitchen facilities. Acting Chair Wood thought that if the applicant wanted to deviate from the Master Plan, then a variance would be needed. Member Baranello was concerned with the topo of the building site and how would be filled; there's not a lot of flat ground there. Engineer Feiszli commented that they may never reach the full Master Plan.

The Board then discussed emergency access and the size of the existing water system. Engineer Feiszli said the system was sufficient right now and explained it to the Board and how it would be regulated. There would be no commercial food operation.

Acting Chair Wood stated that the ZBA had postponed Reigning Miracle's application until next month. Engineer Feiszli quickly responded "We never made an application to the ZBA." He reiterated, "We never put in for a ZBA application; that's why we were not here." Acting Chair Wood replied that if the applicant can conform to the approved Master Plan, you don't need a variance." This could be discussed. Town Attorney Snyder responded that "it's up to the Code Enforcement Officer to interpret the zoning and what's happened and then if anybody disagrees with the Code Enforcement Officer the ZBA is there." Board Secretary Fitch stated she had received a referral form from the CEO which instructed her to prepare an agenda and legal notice for an area variance, which was done.

Town Attorney Snyder stated that his concern was that the Local Law only approved Phase I. So he's questioning whether or not this request may have to go before the Town Board for another Local Law. If the Town Board approves the next phase showing their number of parking lots, it would supersede any previous parking shown. Acting Chair Wood again reads from the previously mentioned Local Law. He then added, "I think we have a conundrum," and he added that he thought a public hearing should be scheduled for January.

Acting Chair Wood advised the applicant that they needed to come to this Board with a Site Plan showing the specifics and a Site Plan Review would be done, along with a Conditional Permit, and then send it to the Town Board with a recommendation. This, he thought, would have to be done for each building. Do not deviate from the 2008 Master Plan he added. Attorney Snyder advised the applicant they should let the Town Board know what they wanted to adopt.

At the conclusion of this very extensive discussion, **a motion was made by Member Lathrop that the Town of Virgil Planning Board recommends to the Town Board that the Town Planning Board act as Lead Agency under SEQRA regarding the proposed religious education building. The motion was seconded by Member Baranello, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #23 of 2017.

A motion was then made by Member Baranello to set a Public Hearing for 22 January 2018 at 7 p.m. for the proposed religious education building. The motion was seconded by Alternate Member Dale Taylor, with the vote recorded as follows:

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

Motion carried.

This becomes Action #24 of 2017.

Town Attorney Snyder then advised the applicant’s representatives to take the Master Plan, put a new date on it, and write to the Town Board requesting a Local Law authorizing this project to move forward. Acting Chair Wood commented that he would like to see some organization of the parking, including possibly fire lanes. Drainage should be addressed, and he would like to see a stormwater plan.

Mr. Forehand commented that, if need be, the church would acquire additional property.

APPROVAL OF MINUTES – 28 AUGUST 2017

A motion was made by Alternate Member Dale Taylor to approve the (T) Virgil Planning Board Minutes of 28 August 2017, as submitted. The motion was seconded by Member Baranello, with the vote recorded as follows:

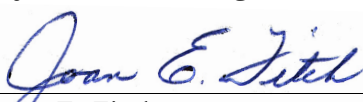
Ayes: Acting Chair Wood	Nays: None
Member Baranello	
Alternate Member Taylor	Absent: Chairman Breed
	Member Howe
	Abstain: Member Lathrop

Motion carried.

This becomes Action #25 of 2017.

ADJOURNMENT

At 8:11 p.m., a motion was made by Member Lathrop, seconded by Alternate Member Taylor, to adjourn the meeting. All Board members present voted in the affirmative.



 Joan E. Fitch
 Planning Board Secretary

Emailed to Town Supv., Clerk, Atty., CEO, PB
Members & Co. Planning on 1/22/18.