

Phelps Zoning Board

Meeting Minutes

February 18, 2016; approved by ZBA March 17, 2017

I. Call to order. Brooks McKinney, acting chairman, called to order the regular meeting of the Town of Phelps Zoning Board at 7:05pm on February 18, 2016 at The Phelps Town Court and Meeting Room. In attendance were Brooks McKinney, Joyce Mitchell, Steven Westfall, Jeff Caves, Glen Wilkes and Ed Clark

II. Pledge of Allegiance

III. Introductions

IV. Approval of minutes from last meeting

The minutes from the January 21, 2016 meeting were considered. Ms. Mitchell made a motion to accept the minutes as written. Second by Mr. Caves. All in favor. Motion carried

V. Review – SP 16-01 Lawrence E. Tillack 274 Main Street Phelps NY

Application for a special use permit to build a 3 family unit building as per attached plans, a pole barn as per attached site plan and drawing and change of use for existing 50 x 75 storage building to automobile repair shop.

Mr. Tillack was present. Whole parcel is 4.3 acres. Mr. Tillack showed on map that the access would be through parking lot of the Family Dollar and through access road. Mr. McKinney asks Mr. Tillack to speak about nature of the automobile repair shop. Mr. Tillack states that building will not change. It will be sub-let to another individual as a general automotive repair shop. Parking areas around building will be used for customer parking and storage of vehicles.

Mr. Wilkes stated that there would be two uses on same property, Multi-family unit that is residential and automobile repair which is commercial. Proposed one story will be in Village, the auto shop and multi family unit will be in Town.

Mr. McKinney stated that the difficulty would be that what Mr. Tillack is proposing would be asking the board to grant more than one use on the property which cannot be done. There is a code that can allow for a Planned Development Group that will allow for multiple uses on a single property. Mr. McKinney stated that it would be a time consuming endeavor to grant a special use permit for a Planned Development Group.

The sense of PDG is that you can identify multiple parcels of land to put together as a group. The Zoning Board would have to also get together with the Village counterparts to review and discuss the possibility. Mr. Wilkes agreed that what the applicant is proposing would be considered a Planned Development Group. Mr. Tillack stated that he would be interested in pursuing that avenue.

Mr. McKinney stated that the code book describes a PDG but does not have any procedures to follow. It would take some time to review it and come up with a list of procedures. It would involve the village also and Mr. Wilkes stated that the access off of Rte. 96 also would involve the County. Everything would have to be done in the correct order. Mr. Clark said the county will want full specifications on retaining ponds and traffic flow etc..

Mr. Caves noted that under the proposed plan, all of the uses except the three-family dwelling are allowable special uses. C-1 zoning allows two-family dwellings, but not three.

Mr. McKinney asked if Mr. Tillack foresees any other development on this property. Mr. Tillack stated no he does not.

Mr. Clark stated that if it was to be considered a PUD or PDG, all parcels will be considered under the plan.

Mr. McKinney stated that there was a lot of homework to do. This board needs to consult with counterparts on all boards. Mr. Clark stated there would need to be a joint meeting set up.

Mr. McKinney stated that the board should draft a list of preliminary procedures and then meet with the Planning Board also.

Mr. McKinney stated that under the application itself, there is a section that asks about storm water retention so Mr. Tillack cannot leave that section of the Environmental Assessment form blank since his map shows a storm water retention pond. That will need to be amended at some point.

This will be tabled for now until Mr. Fremouw returns and he is updated. Mr. Tillack agreed to this action noting that he was "in it for the long haul."

Mr. Tillack asked if he should attend the next planning board meeting. Mr. McKinney and Mr. Clark stated no. Mr. Clark will take application packet to the Village so they know of the plan and all can be informed and work together from the beginning.

Mr. McKinney stated to Mr. Tillack to look for some information from the board to be coming to him soon through Mr. Clark.

VI. Old Business- None

VII. New Business – None

VIII. Zoning Officer Briefs -

Ridley Road property seeking to keep 7 horses on property. He received a letter from the Department of Health. It specified # of animals they could have and how far away they had to be from well and septic system. The owners have not come back in to office with an application or modification of their special use permit.

Green Knolls Concrete – will be rebuilding in same footprint but smaller after the fire they had. Does the board need them to come back before them? The board stated “No”.

IX. Public Comment – None

X. Board Concerns – None

XI. Adjournment – Motion made by Ms. Mitchell to adjourn meeting. Second by Mr. Wilkes. All in favor. Meeting adjourned at 8:03pm.