

# Town of Manchester Planning Board Meeting Minutes

## September 17th, 2019 – 7:00pm

**Present:** John Boeckmann, Ruby Morrison, Steve Buerman and Scott VanAken, Julie Vanderwall & Lee Sanders - members, Stuart Gwilt, Chairman, Steve DeHond, Code Enforcement Officer and Jill Havens, Recording Secretary

**Absent:** NONE

**Also present: Applicant(s)** – Jeff Walker, Brian Burri, James VanLaeken, Geoge Mueller & John Davies **Town of Manchester Residents** – Douglas Cummings & Nancy Patz

**Subdivision Permit # 4585 - 19:** Jeff Walker who is requesting a subdivision of 1-acre approval on property located at 493 County Road 7, tax map no. 12.00-1-25.111 in an A-1 district pursuant to Chapter 275 Section 275-10.

The chairman read the public hearing notice. Fourteen (14) surrounding property owners were notified by mail of this meeting of which none were present.

**Chairman Stuart Gwilt:** Tell us what you would like to do?

**Mr. Jeff Walker, Applicant:** I have given out maps here. Basically, what I would like to do is, I have approximately 21 acres and I would like to cut off a 1-acre lot in the front of the property. The road frontage I will have will be 34 feet of frontage; I needed 25 feet, I got 34 feet. I also added land to the area around the garage down the south line.

**Chairman Stuart Gwilt:** Anyone have any questions? (Hearing none)

The Public Hearing was closed and a motion was made by Scott VanAken to approve Subdivision of a 1-acre lot, on property located at 493 County Road 7, tax map no. 12.00-1-25.111 in an A-1 district pursuant to Chapter 275 Section 275-10. The motion was seconded by Ruby Morrison. All voted “Aye.” Motion carried.

**Site Plan Permit # 4586 - 19:** Spring Valley Greenhouse (James VanLaeken) who is requesting to install three (3) greenhouses and one (1) pole barn to grow flowers on property located at East Ave, tax map no. 44.00-1-7.110 in an A-1 district pursuant to Chapter 325 Section 66-C.

The chairman read the public hearing notice. Twenty (20) surrounding property owners were notified by mail of this meeting of which none were present.

**Mr. Brian Burri, Applicant:** I would like to build a 60' x 80' pole barn, as well as three (3) 24 x 96 greenhouses, adjacent to the pole barn. They would be off of East Avenue on the 20-acres I just purchased there that goes down to the outlet. The owner of the property owns a plant nursery in Canandaigua, the purpose of the pole barn and the greenhouses is to basically grow plants year-round for their retail business in Canandaigua. There will be no sales or business run out of this location, it will be strictly a growing and storage facility.

**Ruby Morrison:** What is the potential for doing sales out of this location in the future?

**Mr. Burri:** None.

**Julie Vanderwall:** How many vehicles do you anticipate going in and out of this location regularly?

**Mr. Burri:** Not too many. Maybe a truck or 2 once a week. Everything will be gravel, not pavement. The pole barn will have a concrete pad under it and the greenhouses will be gravel, along with the driveway. The apron of the driveway would be pavement.

**Scott VanAken:** There will be facilities located back there for watering purposes? A well or something?

**Mr. Burri:** The town/village is allowing us to put water in there. We will also be putting in plantings to buffer us from our neighbors.

**Nancy Patz, Resident:** Do you know where you will be putting these buildings on the property?

**Mr. Burri:** Yes. Please, come take a look at the map. The pole barn will be

approximately 130-feet off your garage.

**Nancy Patz, Resident:** So, you are mainly going back behind the Bugbee's?

**Mr. Burri:** Yes.

**Steve Buerman:** No signage required?

**Mr. Burri:** No.

**Steve Buerman:** What about night time lighting?

**Mr. Burri:** Nothing more than maybe a security lighting or two and probably a security camera or two.

**Nancy Patz, Resident:** When would you be starting?

**Mr. Burri:** Hopefully by October/November, we would like to have it up and running by January 2020. We start planting in February.

**Steve Buerman:** Is it just flowers or do you grow vegetables too?

**Mr. Burri:** We do both. Flowers and vegetables.

**Julie Vanderwall:** Will you be storing any fertilizer or anything there?

**Mr. Burri:** Couple bags at a time.

**Nancy Patz, Resident:** Will you be taking down the fence?

**Mr. Burri:** No. I like it for the fact that it is already there.

**Chairman Stuart Gwilt:** Anyone have any questions? (Hearing none)

The Public Hearing was closed and a motion was made by Ruby Morrison to preliminarily approve Site Plan, pending Ontario County Planning Board Approval, on property located at East Avenue, tax map no. 44.00-1-7.110 in a(n) A-1 district, respectively, pursuant to Chapter 325, section 66-C.

The motion was seconded by Scott VanAken. All voted "Aye." Motion carried.

**Pre-Application Review # 4587 - 19:** John Mueller who is requesting to convert Curran Rd. Nursing Home into Farm Tenant Housing on property located at 630 Curran Road, tax map no. 11.00-2-34.121 in an A-1 district pursuant to Chapter 375 Section 375-10-D.

\*George Mueller & John Davies were present representing John Mueller. \*

**George Mueller, Applicant:** This is a partner of Willow Bend Farm, John Davies. He is the one who runs Spring Hope Dairy, which is on County Road 4, west of Seneca Castle. The reason John Mueller is not here today is because he is in Albany on a committee. We have toured the building extensively. It's a former assisted living facility that was built very well. Right now, the center portion of the facility is a very nice living room and kitchen, to the west is a beautiful sun parlor. The kitchen is a commercial kitchen. The south side has been fixed up beautifully. The south side has eight (8) bedrooms and on each the west and east side, there is also a meeting room of sorts, so that when you visited with your loved one, you had some privacy. The south side, I believe has new carpet and flooring in it also.

**Steve DeHond, Code Enforcement Officer:** The sprinkler system in it froze years ago and there was a lot of water damage. This is when the building was sitting vacant/unused.

**George Mueller:** So, they have spent quite a bit of money fixing it up already then. The north side would still take quite a bit of work. The north side is just plaster board now. It would require carpets and painting. We have a lot of Hispanic people that work for us, they are great workers for us with the cows.

**Steve Buerman:** I think for this people, it is best described as a boarding house.

**Ruby Morrison:** How many people are we talking about housing here?

**John Davies:** Well, there would be eight (8) to start on the south end but the potential is there for up to 21, with the additional eight (8) rooms on the north side completed. There is also an apartment on the north end.

**George Mueller:** The rooms would have only one (1) person per bedroom, we would never get to twenty. It's on city water, which is also a huge asset.

**Steve DeHond:** As far a fire code, this building is all up-to-date for that. It used to be on a well, which that is the reason for the large water tanks in the basement to hold water for the sprinkler system. Those tanks are still full. Some of our stumbling blocks for this project is how to look at this as a permitted use in an A-1 district. It has a special use permit on it now in order to be a nursing home. Any other use besides a single family, would also require a special use in an A-1 district. Multi-family is allowed by special use.

**Julie Vanderwall:** Are we talking just the workers or are their families involved as well?

**George Mueller:** It's just the workers. No families.

**Ruby Morrison:** We would need clarification because it's a single kitchen. Are there going to be rents charged for this or is this free housing for farm workers.

**George Mueller:** It's included as part of their pay.

**Steve DeHond:** How many residential properties do you have tenants in now?

**Steve Buerman:** The definition of a boarding house is someplace they can live and a service is provided.

**Ruby Morrison:** What services can be provided?

**Steve Buerman:** Cleaning & food is what the definition includes.

**Steve DeHond:** There is a stipulation on the sale of this property. The current owners will not sell it back as a Nursing Home.

**George Mueller:** He does not want the competition. As far as safety goes, you couldn't have a safer situation. There is all kinds of exit doors and the sprinkler system.

**Chairman, Stuart Gwilt:** Currently the only way you could do this would be with a Special Use and you would have to call it a boarding house.

**Scott VanAken:** Boarding house isn't listed as a permitted use.

**Steve DeHond:** If you go to definitions, it is listed in there.

**Steve Buerman:** When you look at a special use permit, you are supposed to consider:

1. Is there a financial hardship?
2. Will it change the nature of the adjacent neighborhood?
3. Will it negatively effect the value of the adjacent property?
4. Is this considered spot zoning?
5. Does this mean that you could buy any residential house in a rural section of the town and make it into a tenant house?

These are some pretty big things, we as a board have to consider before we go forward on a special use permit or even evaluating it.

**Ruby Morrison:** Our code does say multi-family dwellings are allowed though.

**Steve DeHond:** Steve is referring to the criteria that we have to use when considering a Special Use Permit, which is taken right out of the Code Book for the Town of Manchester.

**Steve Buerman:** Correct, these are questions that you have to answer for us in order for us to moved forward in consideration of the Special Use Permit.

**Chairman, Stuart Gwilt:** I would like to know if John has talked to any of the neighbors.

**Steve DeHond:** I will print you out the criteria that we look at when considering a Special Use Permit, so you have it for reference.

**George Mueller:** What is the message from this board to John Mueller?

**Chairman, Stuart Gwilt:** I guess, that you can show cause for a Special Use permit based on the criteria we discussed:

1. Whether the applicant can demonstrate factually, by dollars and cents proof, an inability to realize a reasonable return under existing permissible uses
2. Whether the alleged hardship relating to the property in question is unique and does not apply to the substantial portion of the district or neighborhood
3. Whether the requested use variance, if granted, will alter the essential character of the neighborhood
4. Whether the alleged hardship was self-created

**George Mueller:** So, what do we do next?

**Chairman, Stuart Gwilt:** I don't know. Steve, what do they do next?

**Steve DeHond:** Well, if they want to move forward, they would submit a special use application, with a short environmental form and then we would start the process for preliminary site plan/special use permit.

### Previous Minutes:

A motion was made by John Boeckmann to approve the minutes from the meeting which took place on July 16, 2019, pending the change to the number of people present. The motion was seconded by Scott VanAken. All voted "Aye." Motion carried.

Meeting adjourned @ 8:08pm.

Respectfully submitted,

Stuart Gwilt

Jill Havens

Planning Board Chairman

Recording Secretary