

Town of Manchester Planning Board Meeting Minutes

April 16, 2024 – 7:00pm

Present: Board Members Jefferey Flower, Steve Buerman, Tammy Worden, and Lee Sander; Chairman Scott VanAken; Code Enforcement Officer Steve DeHond and Secretary Laurel Pitcher.

Absent: None

Also Present: Brian Myers, Rick Myers, Steven Myers, Melissa Tuccio, Tim Tuccio, Randy Ott, Jonathan Caves, Allison Caves, Bill Catalano, Jim Lynch, and Cynthia Rosado.

Application #4653-23: Consider Final Siteplan Approval #4653-23 submitted by Drumlin Mills LLC who is requesting to construct a building for sales and assembly of kitchen cabinets on property located at State Rt 96, tax map no. 32.00-1-24.100 in a C-1 district pursuant to Chapter 325 Section 325-62.

The Planning Board began by following up on conversations from the March meeting with applicant Allison Caves, and she said they just received new drawings from their engineer Jason. The board confirmed that the concrete truck wash area is located at least 100 ft from the nearest wetland boundary. Allison Caves also said that she was able to confirm with Town Supervisor Dave Phillips that the floodplains didn't change. Chairman VanAken noted that the plans have a change in parking from 32 spaces to 48 parking spaces with all proposed spaces being shown on the plans. Regarding the driveway, the applicants are still working with the NYSDOT/NYSDEC and the Army Corps of Engineers. The feedback received from the NYSDOT indicated that the location is acceptable, but oversized. Allison stepped in to say that they have plans to pave just the entrance and beginning parts of the driveway before fading into a gravel driveway for the most part.

During the previous meeting, the Planning Board said that the applicant should submit signage dimensions and details for this meeting to avoid having to come back for a separate approval. Allison Caves said that they are still fine tuning the sign, so they will come back at another point for that approval. Allison also said that the sign likely won't have external or aimed lights, but it will likely have internal lights in the letters.

The board also confirmed that there are no plans for excessive landscaping. Allison answered that there will be nothing visible from the road, and the changes that they'll make deeper onto the property will be minimal as well. She said they want to do minimal clearing and maintain as many trees as possible.

A motion was made by Tammy Worden to declare the actions on this project a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and that Type II Actions are not subject to further review under part 617 of the SEQR Regulations; and be it finally resolved that the Planning Board has satisfied procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action. The motion also included approval of the final siteplan and dimensions and location of the proposed signage for application #4653-23. Motion seconded by Lee Sanders. All voted "Aye." Motion carried.

Application #4656-24: Consider Siteplan – Special Use #4656-24 submitted by Timothy Tuccio who is requesting a boarding kennel on property located at 967 State Route 21, tax map no. 20.00-4-44.200 in an Ag district pursuant to Chapter 325 Section 325.40.22, 325-64, 325-62.

Chairman VanAken began by reading the Ontario County Planning Board comments. Those are as follows:

Comments

1. Does the barn and pasture still contain horses?
2. How many dogs will be housed at a time?
3. Will there be employees?
4. Will the shed have a water connection? Electricity?
5. What provisions are made for disposal of animal waste?

In response to those comments, board member Lee Sanders asked how many acres the entire property is. Tim Tuccio said that it's 11.8 acres.

Applicant Melissa Tuccio addressed the county comments by saying that the horses will be moved to the back pasture. She said they will have room for 9 dogs unless someone brings two little ones, and there will

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be a total of 9 kennels. She also said that there will just be the two owners as employees. It has both electric and electricity already. Melissa said that they plan to bag up dog poop and take it to the dump.

Board Member Lee Sanders asked how many horses the applicants have. Mrs. Tuccio said they currently have 1 horse, 1 pony that's getting rehomed, and 1 cow, which is not in excess of the code.

Brian Myers complained about wetlands and runoff from the applicants' property into his pond. He said he does not support this plan because of dog noise as well. He made sure the board was aware that his mother is in her eighties and does not want to hear dogs barking. Brian said the neighboring properties are already quite dusty in the summer, and they don't do much to keep that dust down. He strongly asserted that he does not support this project. Rick and Steve Myers were also present and reiterated the same notions. They added that another neighbor wanted to come and express his unhappiness, but he was unable to make it.

In response to the concern expressed by her neighbors, Ms. Tuccio said that they do plan to soundproof the kennel building and have the dogs locked up during the zoned quiet hours.

Board member Tammy Worden asked if the applicants plan to have any fire prevention such as a fire suppression system. Melissa said that she was not aware that was required, and they do not plan on having that in place. The Town of Manchester Zoning Code does not specify that a fire suppression system would be needed. Tammy Worden also asked how the applicants plan to clean the kennels inside. She mentioned how animals could have accidents or be sick inside the kennels. Melissa responded that they plan to wipe the floor down with a spray cleaner. She said the floors will be concrete to make it easier to clean.

The Manchester Planning Board considered if they would need to factor in how many animals are allowed per square foot in the ag zoning code. Ultimately, they decided that is not relevant because this project is different than livestock raising, and it is within permitted uses in the zoning code.

Scott VanAken asked the applicants how they plan to buffer between neighboring properties. Tim Tuccio said that there's currently a thin barrier of trees and hedges. He said their house is also between the proposed location of the kennel and the neighbor's property. Scott VanAken also asked the applicants to talk to about licensing requirements, and Ms. Tuccio said that there's no license requirement unless they were breeding or selling the animals. Chairman VanAken then asked how they plan to earn income, and the applicants said that this will be purely supplemental during their off seasons like summer. Melissa said that she drives a school bus, so that leaves her with many breaks to focus on the kennel.

The Planning Board held a discussion about requiring renewal of the permit. They decided that annual renewals would be a good way to address any potential issues in the future. This annual review would also ensure that the kennel is operating in a responsible manner.

The Planning Board asked if there were any further public comments or concerns. Neighbor Brian Myers said that there's already a lot of traffic on the road. He then asked if the applicants will be adding a driveway. Melissa Tuccio responded that they were told it would be better to use the existing driveway.

Board member Lee Sanders asked if there are any plans to change lighting, to which Melissa Tuccio said that they currently have motion lights on the back of the building for the horses, so they don't plan to add any additional lighting. She also made sure to note that the light is in a spot that is not visible from the road or neighboring properties.

Board member Steve Buerman asked what hours the dogs will be inside, and the applicant said that they'll be inside overnight (8pm-6am) and have the option to be inside or outside during the day. Steve Buerman also asked how far the proposed kennel is from the property lines. This led the Board to review the maps and drawings to determine that the kennel is a sufficient distance from all property lines.

Chairman Scott VanAken asked if the applicants have plans in place for unruly animals. Melissa Tuccio said she plans to have everyone fill out a contract that says the owner will come pick up the dog if there are problems. Scott VanAken also asked if vaccines will be required, and Ms. Tuccio said they will require that dogs be vaccinated.

Board Member Steve Buerman brought up regulations from NY State Ag & Markets surrounding kennel regulations, run space, animal space, etc. The Board advocated for requiring an annual inspection from the Ontario County Dog Wardens with the applicant providing it to this Board each time. Steve Buerman also asked what the applicants plan to do if the dogs bark nonstop. The applicants said they plan to insulate

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very well, which will soundproof the building. They plan to not let dogs that bark a lot outside much. They also plan to restrict certain dogs from returning if they are problematic.

Neighbors once again expressed concern for the noise of living near a kennel. Board members responded by discussing potential methods of keeping track of these concerns once the kennel is up and running. They decided that the best course of action would be to direct complaints to the Ontario County Dog Warden so that the Board can see these issues at the annual review for this application.

A motion was made by Scott VanAken to conditionally approve Siteplan – Special Use #4656-24 submitted by Timothy Tuccio who is requesting a boarding kennel on property located at 967 State Route 21, tax map no. 20.00-4-44.200 in an Ag district pursuant to Chapter 325 Section 325.40.22, 325-64, 325-62. Those two (2) conditions are as follows: annual permit renewal and annual review of animal control's report of the property. Motion seconded by Tammy Worden. All voted "Aye". Motion carried.

Neighbor Brian Myers continued to express his unhappiness by saying "There's going to be flies, noise, smell; we don't want any of it." Since this is a permitted use in the Town of Manchester Zoning Code, and the board had already voted to approve the application, the meeting proceeded. Chairman VanAken told the applicants to make sure that the NY State Ag & Markets compliances are met. The applicants said they will.

Application #4657-24: Consider Preliminary Siteplan, Use Variance #4657-24 submitted by James Lynch who is requesting Siteplan – Use Variance for a library on property located at 1777-1779 State Route 21, tax map no. 44.03-1-26.000 in an Ag district.

Applicant Jim Lynch began by mentioning that this was just a preliminary discussion to determine what is needed and to talk through the next steps. He said that the community library is looking for a new space, and he wants that to be on his property. Jim Lynch said that he has a building that was previously used as office space for a doctor, but he's looking to convert that into a library. He said that the changes will all be inside the building and the outside won't look any different.

Chairman Scott VanAken asked if the inside of the building is conducive to a library. Jim Lynch said that they plan to convert the current space. He said that there's a main rectangular hallway that they plan to put a door in to separate the public areas from the staff areas. He said there's also an upstairs and a crawlspace where the library will be able to store books, but that will likely need to be reinforced because books are quite heavy. Jim said that the building supports are concrete. Scott VanAken asked about the structural engineering of the building and how much is known about that. Jim Lynch said he would need to consult an expert to have more specifics.

Tammy Worden asked if the entire building would be the library, and Jim answered yes. He said that the entire building is about 40'x80' but it's more of an "H" shape instead of a rectangle. The entire building sits at about 4,000 ft². Tammy Worden then asked how many cars come and go at the current library. Several people responded that it's generally only a handful of cars at a given time. Regarding the proposed new location, Steve DeHond and Jim Lynch talked about the history of the parking situation. They said that when the building was being used as a doctor's office, they had to change the traffic pattern so that there wasn't a disruption to route 21. This could be continued in the future if needed. They also mentioned that there would be plenty of parking spaces for the library.

The Planning Board returned to the crawlspace discussion. They talked about how different floors and materials can support different weights per square foot. Since the original drawings and plans from the building are not easily accessible, the Board said it would be best to have an engineer's approval for the crawlspace floor to ensure that it will be safe to support the weight it will bear.

Board Member Lee Sanders chimed in to say that he feels the only downfall of this plan is that it would take the library out of the village, which would be sad in his opinion. Other Board Members agreed with this statement. Lee Sanders mentioned that the kids wouldn't be able to get there as easily after school since the sidewalks don't go that far. Steve DeHond jumped in to say that the school library is still open during school hours. Another Board Member mentioned that the school buses could drop students off at the new location on normal bus runs.

Board Member Steve Buerman asked if Jim Lynch's building is on city water and sewer. Jim Lynch said that it's on city water, but not sewer. It's a septic tank. Steve DeHond asked how many people were in

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there a year ago when the doctor's office was operational, and Jim said there were 18-20 on a daily basis with no septic concerns.

The Planning Board reviewed the definition of a library and permitted uses within the Town Zoning Code. Currently, a library is not a permitted use within the code. Randy Ott, who represents the Red Jacket Community Library discussed governance and classifications of libraries and referenced several in nearby communities. The Planning Board then discussed the complexity of changing the zoning from Ag to commercial and asked what the timeline looks like for the library and Lynch. Randy Ott said the library is currently in their third year of an extendable 6-year lease. He said they've been looking for other options for quite a while within the villages without luck. Mr. Ott said the library team likes their current location because it's central, but the space is inadequate for the current needs. Right now, they have use of a back building behind the main library, but in order to get there, they have to go outside in the bad weather. In their current lease, Randy said the library would give a 6-month notice, meaning they currently have about 9 months to transition before needing to give notice.

Chairman Scott VanAken asked if there have been any discussions about moving back to the school. Randy Ott said he didn't think that would be an option because of time restrictions. He said that since the library left the school, they've been able to have more programs in the morning and throughout the day that weren't possible in the old location. The school was using the space until evening, so the library is currently able to have a lot more programs during the day than ever before. There's preschool story time and senior programs during the day, but they are held at other locations like the nearby church because the current location isn't big enough. Mr. Ott also said that they don't have much computer space where they are. He said there is interest from the school board for the library to move back, but there's definitely some distrust there. There were 25 good years before the library was kicked out, and they're not looking for that to happen again.

Board Member Tammy Worden asked if Mr. Lynch were to pass away, would the library still have access; Jim Lynch said it would be built into the contract to ensure the library wouldn't lose access.

The next step in this process is for the applicants to go before the Town of Manchester Zoning Board of Appeals in June.

Previous Minutes:

A motion was made by Tammy Worden to approve the March 19, 2024 meeting minutes. Motion was seconded by Lee Sanders. All voted "Aye." Motion carried.

Meeting adjourned at 8:41pm.

Respectfully submitted,

Scott VanAken
Chairman, Planning Board

Laurel Pitcher
Recording Secretary