

## TOWN OF WAYNE PLANNING BOARD

February 8, 2021

The meeting of the Planning Board opened at 7:05 PM

In attendance: Rich Morrison, Jeff & Lulu Martin, Candy Dietrich, Dave Westcott, Wayne Hand

	Present	Absent	Late
Roll Call			
Stan Witkowski	<u>X</u>	___	___
Nancy Gabel	<u>X</u>	___	___
Donna Sue Kerrick	<u>X</u>	___	___
Chris Mooney	<u>X</u>	___	___
Shonna Freeman	<u>X</u>	___	___
Scott Hendershott	<u>X</u>	___	___
Jeff Martin, alt.	___	___	___

### **MINUTES:**

Ms. Gabel made a motion to accept the minutes with corrections as noted. Second by Mr. Mooney. The minutes were approved.

### **AGENDA REVIEW**

Changes were adopted as follows:

- The Weis Winery project will removed from agenda as no site plan is completed
- The Keg and Barrel project will be considered as a discussion item only.

### **NEW BUSINESS:**

No new business.

### **OLD BUSINESS:**

No new business.

### **DISCUSSION**

Stan opened the discussion about the Keg and Barrel project. He asked if Mr. Morrison and concerned neighbors had meet to discuss concerns raised by the project. Mr. Morrison stated that they had meet but were unable to reach any mutually satisfactory agreements.

Mr. Martin said that he supports the 24x24 deck addition, if the Keg and Barrel discontinues live music performances. He continued to say that live entertainment is the primary reason for excess neighborhood noise and parking issues along State Route 54 and Hyatt Hill Road. Mr. Martin said the music reverberates throughout his house even with doors and windows closed. Mr. Martin reminded the board that when the Keg and Barrel applied for a special use permit the operation was only envisioned to be a Farm Brewery Tasting Room. Since then, the operation has developed into a full blown bar. Live entertainment was never discussed at the special use permit session. Ms Kerrick made a statement to the effect that residents and buyers know when buying in an agricultural district there is

likely to be the sights, sounds and smells of agribusiness affecting the neighborhoods, so too when you elect to buy into a tourist area you can expect to experience the traffic and noise associated with tourism and hospitality activities. In response, Mr. Martin informed the board that they bought their home in 2002 when the Keg and Barrel property was not zoned for their current type of operation and that's why Mr. Morrison needed a Special Use Permit for a very specific use (a tasting room not a full up bar with live entertainment). He further stated that ever since residential cottages replaced the Keuka Hotel in the 1980's, the neighborhood has been solely residential with the exception of the The Switz Inn which has been there for decades. Since the 1980's the neighborhood has been relatively quiet with the exception of some summer lake noise, which is understandable.

Mr. Morrison said he cannot drop live music from his business model. He only has music on one weekend night from 5 to 8 PM and closes the establishment by 10 PM. He has adopted this business model because he has other enterprises that require his attention during the day, and more importantly, out of consideration for the neighbors.

Mr. Martin stated that he believed that the town had responsibility to contain the noise coming from the Keg and Barrel because LUR supplemental regulations Section 3.0.L.1.n list uses that produce "objectionable noise" are explicitly prohibited. Mr. Witkowski pointed out that the town does not have a noise statute. A town law would be needed to define unacceptable levels of noise - and that is necessary for enforcement. Mr. Martin said multiple neighbors surrounding the Keg and Barrel provided input on the objectionable noise to the Planning Board and the Town's Code Enforcement Officer already has the authority to enforce all Land Use Regulations. Mr. Martin said if you need a town law for this one supplemental regulation then you would need multiple town laws to enforce the entire LUR and other town approved regulations.

Mr. Witkowski will speak with the Code Enforcement officer as to whether or not the project needs a site plan review. The granted variances allow for the addition of the deck to a non-conforming structure. The parking plan demonstrates enough parking. The deck addition would improve safety and move patrons off the lawn which is currently the situation.

### **Inquiry from GBT Realty Corporation for subdivision and construction of a retail space.**

GBT has contacted the town and indicated they would like to build a 10,000+ sq. ft. variety store at tax lot 064.14-01-055.00 a lot about 700 feet south of the Rt 54 and Sacketts Road intersection.

Mr. Witkowski opened the discussion saying that this request has some issues.

1. The parcel in question cannot be subdivided without a use variance, the area is Lakeshore Residential 2 and is zoned only for single family dwellings. Subdivision for business use is prohibited.
2. With an estimated 8500 sq. ft. of retail space, the business would need 85 parking spaces; there are only 35 parking spaces on the preliminary site drawing
3. GBT has no standing to ask for a subdivision as they are not the land owner.

The Board members further discussed the potential impacts of a business at that location. Following that conversation, Mr. Witkowski indicated that he would inform the town board of these deliberations and background and also talk with representatives of GBT and direct them to contact the town board.

Ms. Gabel made a motion to adjourn, 2<sup>nd</sup> by Ms. Kerrick. Meeting adjourned at 8:10 PM.

Respectfully Submitted,

Amy Gush  
Board Secretary