

WILLIAMSON PLANNING BOARD

Meeting Minutes June 6, 2017

Present:

J. Ferrante
D. Hoffman
J. Willis, Chair

Absent:

J. Fox
A. Reid
R. Stevens

Also in attendance: N. Gowan, A. Williams, R. Hoy, S. Rothfuss, A. Rothfuss, A. Raven, B. Oswald, N. Kohr, H. Saxman, J. Bonsignore, C. Murzin, D. Kunz, P. Winslow

The **Work Session** was opened at 7:10 p.m. by J. Willis, Chair. Materials for the agenda items were distributed and reviewed.

The **Planning Board Meeting** was opened at 7:30 p.m. by J. Willis.

The Motion was made to approve the Minutes of the May 2, 2017 Planning Board Meeting as written. Motion carried.

AGENDA ITEM #1

Application for a Special Use Permit per Town of Williamson, Town Code, Chapter 178, Article III, Section 178-13 and Section 178-62 for Paul Winslow, 5988 Russell Rd, Williamson, NY 14589. Applicant desires to construct an additional apartment building on property located at 5775 Route 21. Property is owned by Paul Winslow and zoned R-1 (Residential).

Public Hearing was opened.

Construction of the third building on this property will consist of the same dimensions and floor plan of the two existing rental properties owned by the applicant.

Code requirements are met. Heat is electric.

J. Willis asked if there were questions, comments, and concerns. It was noted and all were in agreement that the property is well maintained.
Public Hearing closed.

The Motion was made to approve the application for a Special Use Permit per Town of Williamson, Town Code, Chapter 178, Article III, Section 178-13 and Section 178-62 for Paul Winslow, 5988 Russell Rd, Williamson, NY to construct an additional apartment building on property located at 5775 Route 21 as requested. Property is owned by Paul Winslow and zoned R-1 (Residential). Motion carried.

AGENDA ITEM #2

Application for a Special Use Permit per Town of Williamson, Town Code, Chapter 178, Article III, Section 178-9 and Section 178-62 for Barnyard Boggess, LLC, 1807 Salt Rd, Fairport, NY 14450. Applicant desires to hold mud bogging events three times per year on property located at 2871 Ridge Rd. Property is owned by West Main St Realty Co and zoned A-1 (Agricultural).

Public Hearing opened.

The applicants are returning to the Planning Board after reviewing the application and interpretation of the Town Code. The Letter of Intent has been amended.

The applicants are requesting that the 10 acre parcel/vacant land adjacent to Spencer Speedway be utilized for a mud bog event three times per year.

Correspondence included:

"The property in question is located in the A-1 Agricultural District as defined in Section 178-9 of the Zoning Code. Specifically, Section 178-9(A)(12) allows 'parks and open space' as a permitted use within the district."

*"Code Section 178-6 defines 'Parks and Open Space' to include 'a parcel or tract of land dedicated, designated or reserved for public or private use. Parks and open space **may include** unimproved lands as well active **recreational facilities** such as swimming pools, play equipment, ball fields, court games, and picnic areas.' (Emphasis added.)"*

"Likewise, the Code defines 'Recreational Area' as 'a space designed and used for active and passive participatory athletic and general recreational activities.' (Emphasis added.)"

Code definitions are very broad and can be interpreted as such. The applicants believe this requested use is a permitted use. Two primary previous concerns were reviewed and revisited: mud tracking and alcohol:

- √ alcohol – a self-imposed restriction will be in place of no alcohol sales on the property under any circumstances

"In addition to the security guards that police the parking, the applicant employees an additional 6-8 security guards monitoring the event area and checking coolers to prevent alcohol consumption. To date there have been no issues with fighting, violence or intoxication."

- √ mud – all trucks will be hosed off prior to leaving the property using tanks with pressure washers

The applicant also uses a skid steer with a street sweeper to clean up mud that does make its way to the road. They will coordinate with local departments to utilize clearance of mud. Cleaning of vehicles will be required of all participants.

Discussion for applicants also included:

- *"All participants, spectators, volunteers and consignors are all required to sign a waiver of liability prior to entering the grounds. Further, all events feature two fire crews along with EMT personnel and an ambulance stationed on premises during the events in order to ensure everyone's safety."*
- event is family oriented
- attendance may average 1500 people – sometimes more/sometimes less
- admission charged
- security personnel are employed
- applicant may from time to time include an insured and licensed bounce house, food trucks, or other free activities in addition to the trucks

J. Willis asked if there were more comments, questions, and/or concerns.

C. Murzin –

- represented a group 20 years ago regarding Spencer Speedway
- has made complaints previously to the Town regarding these events
- maintains that this property cannot be used for an event such as the mud bog and feels this is in violation of the Town Code
- contends that the use of the parking lot/driveway is in violation of the court order in place several years ago
- claims that the event is loud and disruptive to local residents
- feels this is a very dangerous event and does not feel it is a family-oriented event
- thin rope around the area not sufficient for safety
- quoted from the Town Code and feels this is not a permitted use
- provided the Planning Board with pictures taken at previous mud bog events on the property

H. Saxman –

- an attorney has told her this is not a legal use of the property
- event is loud and disruptive to neighbors and lowers property value
- contends this event is an accident waiting to happen
- maintains that the use of the parking lot and driveway for ingress and egress is in violation
- does not feel it is a family-oriented event
- believes that the road cleaners on the road following the event create a hazard
- trucks are huge
- as a citizen she does not feel protected
- provided the Planning Board with pictures taken at previous mud bog events on the property

Response to comments and concerns included:

- the Code as it is currently written has to be worked with and contains a broad scope; the Code is written with a good argument that the applicant does not even need to request a Special Use Permit
- if approved, the Special Use Permit can be written to include constraints and conditions; reasonable restrictions can be made
- the property is separate from Spencer Speedway
- ingress and egress are permitted as an accessory use
- parking is permitted and does not impact a court order
- D. Kunz - you cannot always decide what happened on adjacent property and is looking forward to the event
- there is a natural wooded barrier on site – map will be provided for the Planning Board
- there is a trench 2 feet deep and 6 x 2 foot concrete blocks will be placed on the south side where most spectators will be for additional safety
- general hours of operation: gates open at 10 a.m.; show/demonstration at noon; event ends at 5 p.m.; offsite at 6:00 p.m.

Public Hearing closed.

J. Willis stated that complaints and concerns have been heard and agreed that everyone present wants the event to be safe and insure that corrective steps are met.

The Motion was made to approve the application for a Special Use Permit per Town of Williamson, Town Code, Chapter 178, Article III, Section 178-9 and Section 178-62 for Barnyard Boggers, LLC, 1807 Salt Rd, Fairport, NY to hold

mud bogging events three times per year on property located at 2871 Ridge Rd. Property is owned by West Main St Realty Co and zoned A-1 (Agricultural) with the following conditions:

- √ **adequate security on site**
- √ **no alcohol on site; any alcohol observed will be confiscated**
- √ **all vehicles will be required to be washed prior to leaving to remove as much mud as possible using a high pressure washer**
- √ **street sweeper will be utilized to clear mud on road**
- √ **waiver of liability provided for all participants**
- √ **safety precautions in place**
- √ **applicant will provide a layout of the event plan**
- √ **event will take place no more than 3 times a year**
- √ **hours of operation will be limited to the general hours of 10:00 a.m. to 6:00 p.m.**

Motion carried.

The Motion was made to adjourn the Planning Board meeting at 8:40 p.m.
Motion carried.

Respectfully submitted.

Joanne Greaney