

# WAYNE COUNTY PLANNING BOARD

## MINUTES

September 28, 2016

Chairman, Ken Burgess called the September meeting of the Wayne County Planning Board to order at 7:00 p.m. in the Wayne County Courthouse in Lyons, New York.

Board Present: Ronald Baker, Merton Bartels, Dave Broach, Ken Burgess, Joe Catalano, Steve Guthrie, Matt Krolak, Larry Lockwood, Bert Peters, Ron Thorn

Staff: Bret DeRoo, Tracy Lambie

### AUGUST 2016 MINUTES

**Action** – Approve

**Motion** – Mr. Baker

**Second** – Mr. Bartels

**Abstention** –

**Motion carried**

### ZONING AND SUBDIVISION REFERRALS

**The first 2 referrals were reviewed and determined to be of no intermunicipal or countywide impact:**

**Action** – Return these referrals to the towns/villages to be handled as local matters

**Motion** – Mr. Guthrie

**Second** – Mr. Peters

**Opposed** –

**Abstention** –

**Motion carried**

#### **Moeller Subdivision, 1301 Brick Church Road, T. Ontario**

Preliminary/Final Subdivision Plan / Preliminary/Final Site Plan, Tax Map Ref. No. 62118-00-460834

2 lot subdivision

#### **Comments:**

- 1) the proposed development should be configured with enough area to contain an existing and/or construct a new septic system that will meet NYS Department of Health regulations,
- 2) the proposed driveway should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, property maintenance, fencing, berms, landscaping, etc.,
- 4) development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable) and
- 5) future plans (if any) for the total acreage should be considered.

#### **Douglas S. Shutter Site Plan, 4090 Ontario Center Road, T. Walworth**

Preliminary/Final Site Plan, Tax Map Ref. No. 63114-00-210926

Single family residence

#### **Comments:**

- 1) the proposed on-site wastewater treatment system must meet NYS Department of Health regulations,
- 2) the driveway should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,

- 3) development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, property maintenance, fencing, berms, landscaping, etc.,
- 4) development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable),
- 5) future plans (if any) for the total acreage should be considered and
- 6) the property owner(s) should also be aware that portions of the parcel may contain (or be near) National wetland area and any planning/development should be done in accordance with applicable regulations.

**Capital Telecom Acquisition, LLC, Frey Rd / West Walworth Rd, T. Macedon**

Special Permit/Preliminary/Final Site Plan, Tax Map Ref. No. 61113-00-635068

170' cell tower. Mr. Karl Essler of Bond Schoenick & King, David Weisenreder of Costich Engineering and Tim Zarneke of Verizon presented.

**Action** – Approve with Comments

**Motion** – Mr. Catalano

**Second** – Mr. Thorn

**Opposed** –

**Abstention** – Mr. Bartels

**Motion carried**

**Comments:**

- 1) the carrier should set aside a fund to be used in the event that the tower cannot be removed by the applicant. This will protect each municipality from corporate events such as bankruptcy and divestiture, as well as tower obsolescence,
- 2) the tower should be designed to have the ability to accommodate at least two additional carriers (the structural analysis should determine that the tower can compensate the additional load),
- 3) SEQR should be closely adhered to, ensuring that proper environmental reviews are conducted,
- 4) all available alternative sites should be exhausted, including the use of existing structures, prior to approval of any application,
- 5) the carrier should provide a master plan for the development of proposed tower sites throughout your municipality, prior to the approval of any additional applications,
- 6) the property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland area and any planning/development should be done in accordance with applicable regulations,
- 7) a driveway permit must be obtained from the Wayne County Highway Department (Wayne County Department of Public Works),
- 8) the proposed access driveway should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance and
- 9) visual and aesthetic impacts should be examined/mitigated and the proposed tower location and design implemented to be compatible with surrounding land uses. As examples, “stealth tower” design alternatives should be provided by the applicant to determine if there are options that would help the tower blend more easily with surrounding land uses and the tower should be located to maximize screening and also separation from surrounding structures.

**Kuhn Subdivision, 563 Boston Road, T. Ontario**

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61118-00-538853

2 lot subdivision. Mr. Dennis Kuhn presented.

**This referral was reviewed and determined to be of no intermunicipal or countywide impact**

**Action** – Return this action to the Town to be handled as a local matter

**Motion** – Mr. Guthrie

**Second** – Mr. Peters

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) the proposed subdivision should be configured with enough area for each lot to contain an existing and/or construct a new septic system that will meet NYS Department of Health regulations,
- 2) the proposed subdivision should be configured with enough area for each lot to contain an existing and/or construct a new driveway that meets AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) development (if any) should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, property maintenance, fencing, berms, landscaping, etc.,
- 4) future plans (if any) for the total acreage should be considered and
- 5) the property owner(s) should also be aware that portions of the parcel may contain (or be near) FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

**Marcellus Site Plan, 1497 Route 441, T. Walworth**

Preliminary/Final Site Plan, Tax Map Ref. No. 62114-00-699479

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Single family residence, Mr. Don Lewis of AEY presented.

**This referral was reviewed and determined to be of no intermunicipal or countywide impact**

**Action** – Return this action to the Town to be handled as a local matter

**Motion** – Mr. Peters

**Second** – Mr. Bartels

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) the driveway should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 2) a driveway permit should be obtained from the NYS Department of Transportation,
- 3) consideration should be given to posting “driveway warning” signs along NYS Rt. 441,
- 4) on-site driveway and parking area(s) should be designed to permit traffic that will be generated from the proposed development to safely access/exit the site and not impede traffic flow on NYS Rt. 441 (e.g. an on-site driveway turnaround should be provided and there should be no need to back a vehicle from the site onto NYS Rt. 441),
- 5) development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, property maintenance, fencing, berms, landscaping, etc.,
- 6) the proposed on-site wastewater treatment system must meet NYS Department of Health regulations and
- 7) development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable).

**Windmill Farms, 7390 County Line Road, T. Ontario**

Special Permit / Preliminary/Final Site Plan Tax Map Ref. No. 60118-00-995953

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Fenced weather station. Ms. Kristen Donohue of Pyramid Network Services

**Action** – Approve with Comments

**Motion** – Mr. Thorn

**Second** – Mr. Peters

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

The following comments are based on a combination of routine board: 1) “Small Wind Energy Conversion System”, 2) “Cell Tower” and 3) “additional” comments (please note that many of the comments were addressed at the meeting by the project representative or in the application materials, but the Board still felt they should be included in the letter):

**Small Wind Energy Conversion System:**

- 1) (Mesonet) “system” noise level data should be confirmed and the levels should be determined to not create a public nuisance,
- 2) the system should be installed by a certified installer,
- 3) tower anti-climb shields should be intact,
- 4) tower fall zone should be completely contained on the applicant’s property and
- 5) there should be no structures within the fall zone.

**Cell Tower:**

- 1) Require carriers to set aside a fund to be used in the event that the tower cannot be removed by the applicant. This will protect each municipality from corporate events such as bankruptcy and divestiture, as well as tower obsolescence.
- 2) Adhere to SEQR closely, insuring that proper environmental reviews are conducted.
- 3) Require carriers to provide a master plan for the development of proposed tower sites throughout your municipality, prior to the approval of any additional applications.
- 4) A detailed proposal should be provided to the Town concerning mitigation of visual and aesthetic impacts (i.e. help to ensure that the proposal is compatible with surrounding land uses).

**Additional comments to consider:**

- 1) The property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland area and FEMA flood zone area and any planning/development should be done in accordance with applicable regulations and
- 2) all applicable local, state and federal codes/regulations must be met (e.g. NYS Uniform Fire Prevention and Building Codes, Federal Communication Commission regulations-if applicable).

**Gerber Estates Subdivision, 5870 County Line Road, T. Ontario**

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61117-00-021205

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5 lot subdivision

**Action** – Disapprove with Comments

**Motion** – Mr. Baker

**Second** – Mr. Bartels

**Opposed** –

**Abstention** – Mr. Catalano

**Motion carried**

**Comments:**

The Board felt they lacked information that is needed to help them assess the items they are charged to consider by General Municipal Law, Section 239 - 1. They did not necessarily wish to discourage the proposed development, but no one attended the meeting to represent the application and help address concerns/questions. There were specific questions regarding the proposed private driveway. For reference, the following is a list of comments that the board had after reviewing the provided plan (Preliminary Plan, dated 09/14/16):

- 1) development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, property maintenance, fencing, berms, landscaping, etc.,
- 2) the proposed lots/development must meet NYS Department of Health regulations (e.g. wastewater treatment and water supply regulations),
- 3) the driveway should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 4) a driveway permit should be obtained from the Wayne County Highway Department (Wayne County Department of Public Works) for the proposed Ridge Road driveway,
- 5) a driveway maintenance agreement should be in place (the board questioned what the terms of the “50’ Reciprocal Easement” are or if a Homeowners’ Association would be required for this development: either of which would address driveway maintenance?),
- 6) emergency service vehicle access should be provided for,
- 7) stormwater management and erosion and sediment control plans must meet Phase II NYS Department of Environmental Conservation regulations,
- 8) development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable),
- 9) future plans (if any) for the total acreage should be considered and
- 10) the property owner(s) should also be aware that portions of the parcel may contain (or be near) National wetland area as well as NYSDEC wetland area and any planning/development should be done in accordance with applicable regulations.

**Gerber Mini-Storage, 6485 Furnace Road, T. Ontario**

Preliminary/Final Site Plan, Tax Map Ref. No. 63117-00-508916

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Four 30’x160’ mini storage buildings

**Action** – Approve with Comments

**Motion** – Mr. Guthrie

**Second** – Mr. Peters

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) on-site buildings and the overall site should be developed in a manner that helps them remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, maintenance, etc.,
- 2) dust control measures should be considered, and implemented if necessary, for the proposed stone/gravel access driveway,
- 3) proposed development must meet NYS Uniform Fire Prevention and Building Codes,
- 4) any/all necessary local and state (e.g. NYS Department of Environmental Conservation-Phase II Stormwater Management and Erosion and Sediment Control Regulations) recommendations and approvals/permits must be followed/obtained,
- 5) any/all hazardous/toxic materials that may be associated with the proposed use must be properly stored, handled and disposed of,
- 6) local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. police and fire),
- 7) future plans for the total acreage should be considered (i.e. additional buildings and/or other storage options such as outdoor storage) and
- 8) the property owner(s) should also be aware that portions of the parcel may contain (or be near) National wetland area as well as NYSDEC wetland area and any planning/development should be done in accordance with applicable regulations.

**Other Business:**

Mr. Broach made a suggestion that the Board recite the Pledge of Allegiance at the beginning of meetings going forward. All in attendance voted aye.

There being no further business, the meeting was adjourned at 8:25 PM.

Respectfully submitted,  
Tracy Lambie, Secretary