

## WAYNE COUNTY PLANNING BOARD

### MINUTES

September 30, 2015

Chairman, Dave Broach 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, Dave Broach, Steve Buisch, Ken Burgess, Robert Burns, Steve Guthrie, Bob Hutteman, Matt Krolak, Larry Lockwood, Bert Peters, Larry Ruth, Ron Thorn

Staff: Bret DeRoo, Tracy Lambie

### AUGUST 2015 MINUTES

**Action** – Approve

**Motion** – Mr. Buisch

**Second** – Mr. Hutteman

**Abstention** –

**Motion carried**

### ZONING AND SUBDIVISION REFERRALS

#### **M&M Realty Bros. LLC / Crown Electric Supply, 75 Route 104, T. Ontario**

Preliminary/Final Site Plan, Tax Map Ref. No. 60117-12-942583

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6,160 sq. ft. addition, Mark Hanlon presented

**Action** – Approve with Comments

**Motion** – Mr. Guthrie

**Second** – Mr. Burgess

**Opposed** –

**Abstention** –

**Motion carried**

#### **Comments:**

- 1) on-site traffic circulation and how it relates to items such as proposed parking areas, building locations, equipment/supply display area, etc. should be determined/delineated,
- 2) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations and nothing should be parked or displayed in an area that will hinder sight distance,
- 3) emergency service vehicle access should be provided for,
- 4) 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, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled NYS Rt. 104,
- 5) outside storage should be limited (e.g. equipment in disrepair should not be permitted to accumulate),
- 6) any /all hazardous/toxic materials must be properly stored, handled and disposed of (if applicable),
- 7) any/all necessary local and state (e.g. NYS Department of Environmental Conservation, if applicable) approvals/permits/recommendations must be followed/obtained and
- 8) development must meet applicable NYS Uniform Fire Prevention and Building Codes.

#### **Gioenco Office Building, 6301 Ontario Center Road, T. Ontario**

Area Variance, Tax Map Ref. No. 62117-11-733670

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Demolish existing structure, build 1 story, 2,000 sq. ft. structure, Pete Gioenco presented

**Action** – Disapproval with Comments

**Motion** – Mr. Ruth

**Second** – Mr. Peters

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) the hardship criteria that are required to grant the area variance must be substantiated at the local level,
- 2) consideration should be given to how the proposed office building and associated parking and traffic circulation would relate to the existing ATM building/function, overall parcel configuration and existing driveways (Ridge Road and NYS Rt. 350),
- 3) consideration should be given to the potential impacts that approving the proposed development would have on future development along NYS Rt. 104 (i.e. would other applications be made for reducing front yard setback to this extent?).
- 4) the NYS Department of Transportation (NYSDOT) right-of-way should not be impacted by development and safety issues should be considered, particularly given that the proposed building will be constructed 4' from the property/NYSDOT right of way line and
- 5) staff from the NYSDOT had an opportunity to review the proposal. The comments below regarding the concept layout/area variance application were provided to the Board:

The following are comments from NYSDOT regarding the proposal **before** reviewing the applicant's "Area Variance Application Supplement for Proposed Office Building" narrative, dated 08/06/15:

Although we do not have a minimum distance restriction between the building and the right of way line, our Driveway Design Policy includes a paragraph stating, "In rural and suburban areas, a minimum of 15 ft. should be provided between the right of way line and the near edge of a building, structure ... This offset shall be sufficient to preclude the servicing and parking of vehicles on State property."

Additionally we have the following concerns with the building location and its close proximity to Route 104.

-The building is within the clear zone and near the travel lanes, which poses safety concerns.

-The building may restrict future improvements to Route 104 and at its intersection with Ontario Center Road.

-Existing and future sight distance may also be restricted which also raises safety concerns.

-Maintenance of our right of way may become more difficult.

The following are comments from the NYSDOT regarding the proposal **after** reviewing the applicant's "Area Variance Application Supplement for Proposed Office Building" narrative, dated 08/06/15:

We still have the same concerns. Our main concern is that the building is within the clear zone of 30 feet from travel lane. This poses a safety concern or at least the perception of a potential safety problem. A more palatable option may be to locate the building in the area of proposed parking lot. This would move the structure outside the clear zone and away from the higher speed Route 104.

**Pheasant Run Subdivision, Section 1, Phase 1, Tanaberry Circle/Spragbrook Circle, T. Macedon**  
Final Site Plan/ Final Subdivision Plan, Tax Map Ref. No. 61113-00-828889

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5 lot subdivision

**Action** – Approve with Comments

**Motion** – Mr. Guthrie

**Second** – Mr. Burns

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) the proposed lots/development must meet NYS Department of Health conditions for approval,
- 2) the proposed lots should be configured with enough area to construct a new driveway that will meet town recommendations for sight distance,
- 3) stormwater management and erosion and sediment control plans must meet Phase II NYS Department of Environmental Conservation regulations,
- 4) emergency service vehicle access should be planned/provided for that meets the needs of the existing, as well as proposed subdivision,
- 5) development must meet NYS Uniform Fire Prevention and Building Codes and
- 6) future plans (if any) for the total acreage should be considered (i.e. are additional lots proposed for development in this subdivision and/or nearby landowner holdings?).

**Crown Castle cell tower, 10080 Glenmark Road, T. Rose**

Special Permit / Final Site Plan, Tax Map Ref. No. 73116-00-444151

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**Action** – Disapprove with Comments

**Motion** – Mr. Ruth

**Second** – Mr. Krolak

**Opposed** –

**Abstention** – Mr. Guthrie

**Motion carried**

**Comments:**

Per General Municipal Law (GML), Section 239-1.2., the County Planning Board may consider a list of intercommunity and countywide items when they review an application. Unfortunately, no one attended the meeting to represent the applicant and ultimately help the board better understand the proposed cell tower project and the relation to the items they are to consider.

The following are comments the board references when reviewing cell tower proposals:

- 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) Exhaust all available alternative sites, including the use of existing structures, prior to approval of any application.
- 5) 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.

**Local Law #2 of 2015 – Moratorium, T. Walworth**

Amend Text

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6 month moratorium related to pawn shops

**Action** – Approve with Comments

**Motion** – Mr. Buisch

**Second** – Mr. Hutteman

**Opposed** –

**Abstention** – Mr. Ruth

**Motion carried**

**Comments:**

The Town attorney should review and approve the proposed Moratorium.

**The following 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. Buisch

**Second** – Mr. Thorn

**Opposed** –

**Abstention** –

**Motion carried**

**Thomas Hulbert, 1110 Route 21 South, T. Palmyra**

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 64111-19-690190

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Neighbor transferring 0.13 acres to increase lot size

**Comments:**

- 1) the proposed lots/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 lots/ development should be configured with enough area to contain an existing and/or construct a new driveway that will meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance and
- 3) future plans (if any) for the total acreage should be considered.

**Lot 1 of Laurel Court Subdivision, Hidden Pond Lane/Laurel Court, T. Walworth**

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 62114-00-468067

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**Comments:**

- 1) future plans (if any) for the total Blue Heron Hills acreage should be considered, including the remainder of the “strip” of land, just north of and adjacent to the proposed subdivision,
- 2) there should be confirmation that the easements (“planting” and “utility” easements noted on the subdivision plan) are not infringed upon by the proposal (i.e. “remain intact”, if so required) and
- 3) the property owner/s should be aware that portions of the “parent” parcel may contain (or be near) National wetland area and NYSDEC wetland area as well as FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

**Francesco & Jean Manuse Subdivision, 935 Plank Road, T. Walworth**

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61116-00-952172

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Subdivide 1.483 acres including house and outbuildings

**Comments:**

- 1) the proposed lots 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 (the provided "Map of a Survey" did not appear to detail the location of the existing septic system),
- 2) the proposed lots should be configured with enough area to contain an existing and/or construct a new driveway that will meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) a driveway permit should be obtained from the Wayne County Highway Department (Department of Public Works) should a driveway be proposed that provides access to Plank Road and
- 4) future plans (if any) for the total acreage should be considered.

**Other Business:**

Mr. Buisch made a motion to adjourn the meeting. Seconded by Mr. Guthrie. There being no further business, the meeting was adjourned at 8:15 PM.

Respectfully submitted,  
Tracy Lambie, Secretary