

WAYNE COUNTY PLANNING BOARD

MINUTES

January 27, 2016

Chairman, Ken Burgess called the January 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, Ken Burgess, Robert Burns, Steve Guthrie, Bob Hutteman, Matt Krolak, Larry Lockwood, Bert Peters, Larry Ruth, Ron Thorn

Staff: Bret DeRoo, Tracy Lambie

DECEMBER 2015 MINUTES

Action – Approve

Motion – Mr. Guthrie

Second – Mr. Ruth

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

Aaron Preston, 1640 Route 104, T. Ontario

Preliminary/Final Site Plan, Tax Map Ref. No. 62117-12-847662

Landscaping business with farmer's market and greenhouses (hoop houses). Mr. Preston was in attendance to answer questions.

Action – Approve with Comments

Motion – Mr. Lockwood

Second – Mr. Peters

Opposed –

Abstention –

Motion carried

Comments:

- 1) any/all applicable NYS Department of Transportation permits/recommendations must be obtained/followed (e.g. no development should take place in the NYS Department of Transportation right-of-way, there should be no parking on the shoulder of NYS Rt. 104, the existing driveway should not be modified without a new permit, etc.),
- 2) proposed on-site traffic circulation, display areas, storage areas, vendor areas and associated parking areas should be designed/developed in a manner that will provide safe interaction between those items and the existing business as well as proposed farmer's market and greenhouses,
- 3) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations and no on-site development (e.g. proposed vendor areas) should impede available sight distance,
- 4) screening (e.g. fence, berm, landscaping, etc.) should be used to help the commercial development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent residential uses located along Ridge Road),
- 5) the site should be developed/maintained in an aesthetically pleasing manner (i.e. through use of items such as landscaping, screening, etc.) as the parcel is located on the highly traveled NYS Rt. 104,
- 6) outside storage should be limited (e.g. equipment in disrepair should not be permitted to accumulate),
- 7) any toxic/hazardous materials (associated with either business) should be properly stored, handled and disposed of,
- 8) future plans (if any) for the total acreage should be considered and

- 9) all necessary local and state approvals/permits/recommendations must be followed/obtained (e.g. NYS Department of Environmental Conservation-Phase II Stormwater Management and Erosion and Sediment Control Regulations).

Cannery Row, 513 West Union Street, V. Newark

Special Permit, Tax Map Ref. No. 67111-20-941075

Monthly evening auctions. The applicant as well as several other people were in attendance to answer questions.

Action – Approve with Comments

Motion – Mr. Ruth

Second – Mr. Hutteman

Opposed –

Abstention –

Motion carried

Comments:

- 1) the building must meet NYS Uniform Fire Prevention and Building Codes,
- 2) landscaping, property maintenance and screening should continue to be encouraged to help keep the site aesthetically pleasing from the highly traveled Union Street/NYS Canal Corridor,
- 3) toxic/hazardous materials should be properly stored, handled and disposed of (if ever applicable),
- 4) outside storage of auction items should be limited, particularly items in poor repair (if ever applicable) and
- 5) security measures should be intact (e.g. the site should be lighted).

Based on the number and types of businesses that occupy this site, the Board felt it would be helpful to have a scaled and updated site plan (i.e. as businesses change) that illustrates building locations and floor plans, associated businesses, respective parking areas and on-site traffic circulation. The information could be useful for emergency service providers to review and know also. The Board would ultimately like to ensure that all on-site businesses, as well as surrounding land uses, are compatible and safe.

Whitcomb/Harold Subdivision/Site, 7279 (7391) Fisher Road, T. Ontario

Preliminary Subdivision Plan/Preliminary Site Plan, Tax Map Ref. No. 64118-00-097916, 64119-00-186046

2 lot subdivision, single family residence. Mr. Whitcomb was in attendance to answer questions on the subdivision.

Action – Approve with Comments

Motion – Mr. Ruth

Second – Mr. Peters

Opposed –

Abstention –

Motion carried

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,
- 3) the proposed development should meet applicable NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (per Section 511 of the NYS Fire Code),
- 4) stormwater management and erosion and sediment control plans must meet Phase II NYS Department of Environmental Conservation regulations,

- 5) future plans (if any) for the total acreage should be considered and
- 6) the property owner/s should be aware that portions of the parcel may contain (or be near) National wetland (mapping available online at <http://www.fws.gov/wetlands/Data/Mapper.html>) and any planning/development should be done in accordance with applicable regulations.

Westfall Cardiology, 1100 Driving Park Avenue/211 Fair Street, V. Newark

Use Variance / Preliminary/Final Site Plan, Tax Map Ref. No. 68111-09-192507, 68111-09-182506

Convert existing Driving Park Ave structure to medical office facility, demolish Fair Street Structure, add parking. Mr. Andrew Hintenach of Sky High Architecture was in attendance to present and answer questions.

The Board determined the use variance to have no intermunicipal or countywide impact provided that the hardship criteria that are required to grant the variance are substantiated at the local level.

Action – Approve Preliminary/Final Site Plan with Comments

Motion – Mr. Guthrie

Second – Mr. Krolak

Opposed –

Abstention –

Motion carried

Comments:

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, fencing, berms, landscaping, appropriate lighting etc., particularly given that the parcels are in an area of mixed uses, which includes residential, and
2. development must meet NYS Uniform Fire Prevention and Building Codes.

Jackie Jones, 7040 Sodus Center Road, T. Sodus

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 69116-00-656628

2 lot subdivision

Action – Disapprove with Comments

Motion – Mr. Guthrie

Second – Mr. Ruth

Opposed –

Abstention – Mr. Baker

Motion carried

Comments:

After considering the provided plan and other available mapping information, the Board felt the proposed subdivision may not meet the Town's subdivision policy objectives. They were concerned that there could be a risk of flooding on this parcel and that it would be challenge to meet provisions for drainage and NYS Department of Health wastewater treatment system regulations given: 1) the Town's code requirements for lots in the residential zone (setback distances, lot size, etc.), 2) the area of the proposed parcels, 3) the location of the existing (Lot 1) and proposed home (Lot 2) and wastewater treatment systems for both, 4) proximity to National wetland area and 5) proximity to a FEMA food zone "A" (please see the two enclosed maps for approximate boundaries and 2015 aerial photos that were reviewed by the WCPB).

For reference, the following list contains comments that the Board often recommends for similar subdivision applications:

- 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,
- 3) development must meet NYS Uniform Fire Prevention and Building Codes,
- 4) future plans (if any) for the total acreage should be considered and
- 5) the property owner/s should be aware that portions of the parcel appear to contain (or be near) FEMA flood zone (mapping available online at (<https://msc.fema.gov/portal>)) as well as National wetland areas (mapping available online at <http://www.fws.gov/wetlands/Data/Mapper.html>) and any planning/development should be done in accordance with applicable regulations.

Lakeside Leasing, 7203 Route 14, V. Sodus Point
Special Permit, Tax Map Ref. No. 71118-05-014794

Seasonal outdoor storage of boats and RV's

Action – Approve with Comments

Motion – Mr. Guthrie

Second – Mr. Ruth

Opposed – Mr. Baker

Abstention –

Motion carried

Comments:

Many of the Board's comments were made with the intent to help ensure that (per considerations found in General Municipal Law, Section 239-1.2.): a) onsite development/use is compatible with surrounding land uses, b) community character is protected as regards predominant land uses, population density, and the relation between residential and nonresidential areas and c) municipal development policies are considered. The Board did discuss how this storage facility proposal, given the previous use of this parcel, surrounding land uses and the fact that the application was submitted as a "special use permit", could be considered compatible with surrounding land uses if developed properly. The board also discussed the Village's zoning code and noted that "boat storage" is specifically listed in the general description of the "Industrial" Zone (per Section 190-5 B. of Sodus Point Code, 10-01-2011), while it has been considered locally as a specially permitted use in the Limited Commercial/Residential Zone. The following are the comments:

- 1) onsite buildings and the overall site should be developed in a manner that helps them remain compatible with surrounding land uses (particularly adjacent residential uses) and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, maintenance, etc.. This is of particular importance given the site's location on the NYS Seaway Trail, a "gateway" into the Village (e.g. the residence to the south could be screened using a berm and/or fencing and the storage unit and proposed storage area could be screened from NYS. Rt. 14 by constructing a berm between the development and NYS Rt. 14 with landscaping features on top),
- 2) proposed outside boat and RV storage could be permitted in the area that was highlighted on the submitted plan (i.e. just north of, parallel to and approximately the same size as the existing mini storage building),
- 3) dust control measures should be considered, and implemented if necessary, for the proposed stone/gravel access driveway,
- 4) all proposed development must meet NYS Uniform Fire Prevention and Building Codes,
- 5) any/all necessary local and state (e.g. NYS Department of Environmental Conservation-Phase II Stormwater and Erosion and Sediment Control Regulations) approvals/permits/recommendations must be followed/obtained,
- 6) any/all hazardous/toxic materials that may be associated with the proposed use must be properly stored, handled and disposed of,
- 7) local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. police and fire) and

8) future plans (if any) for the total acreage should be considered.

Bay Street Townhouse Development, 8388 Bay Street, V. Sodus Point
Preliminary Site Plan, Tax Map Ref. No. 71119-18-316169

3 unit townhouses

Action – Disapprove with Comments

Motion – Mr. Ruth

Second – Mr. Peters

Opposed –

Abstention – Mr. Baker

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 - l. Unfortunately, no one attended the meeting to represent the application and help discuss the proposal. The following is a list of questions, concerns and comments and that the board had after reviewing the provided site plan (dated 11/05/15):

In regard to compatibility of various land uses with one another, protection of community character and maintaining a satisfactory community environment the board questioned:

- why the townhouse units are proposed so near to the eastern property line when it appears they could be relocated to be more centered on the parcel in an east-west orientation (i.e. shifted to the west to maintain a side setback that is in character with the neighboring property/home to the east)
- why the fourth unit was deleted from the provided plans (i.e. crossed out of the provided “front elevation”)
- if there are future plans for the remainder of the property and therefore a reason to provide more side setback distance between the proposed units and the western property line (as proposed)?

In regard to traffic-related concerns, the Board recommended the following:

- the 3 proposed driveways should be reduced in number (e.g. modified from the 3 proposed to 1 actual) to limit the number of new road cuts on Bay Street / NYS Rt. 14, but still provide adequate access to the development
- onsite driveway and parking area/s should be designed to permit vehicular traffic, that will be generated from the proposed development, to safely access/exit the site and not impede traffic flow on Bay Street / NYS Rt. 14 (e.g. an onsite driveway turnaround should be provided and there should be no need to back a vehicle from the site onto Bay Street / NYS Rt. 14
- a NYS Department of Transportation driveway permit should be obtained for any proposed Bay Street / NYS Rt. 14 access

The following are additional comments:

- 1) when completing SEQR, the Lead Agency should be sure to consider the significance of Question 12.b on Short EAF regarding “archeologically sensitive areas”,
- 2) the townhomes/site should be developed in a manner that helps them remain compatible with surrounding land uses (particularly adjacent residential uses) and also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, etc. This is of particular importance given the site’s location on the NYS Seaway Trail, a “gateway” into the Village,
- 3) proposed development must meet NYS Uniform Fire Prevention and Building Codes,

- 4) all necessary local and state (e.g. NYS Department of Environmental Conservation-Phase II Stormwater Management and Erosion and Sediment Control Regulations) approvals/permits/recommendations must be followed/obtained and
- 5) the proposal should be reviewed to help assess its compatibility with the Village's plans (if applicable) for the Village Green area.

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. Guthrie

Second – Mr. Hutteman

Opposed –

Abstention –

Motion carried

Lands of Ocke & Maggio, 5373 Ontario Center Road, T. Walworth

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 62116-00-996523

Convey 1 acre

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,
- 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 (does not appear to be applicable for this application) and
- 3) future plans (if any) for the total acreage should be considered.

Hand Subdivision, 2095 Harris Road, T. Palmyra

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 66112-00-137514

2 lot subdivision

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,
- 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 and
- 3) future plans (if any) for the total acreage should be considered.

Kick the Can, 1146 Route 31, T. Macedon

Area Variance, Tax Map Ref. No. 62111-10-289726

2 building mounted signs

Comments:

- 1) the hardship criteria that are required to grant the area variances must be substantiated at the local level and
- 2) the Town may wish to review applicable regulations to determine if they still meet intended objectives should there be repeated requests for similar variances.

Howard and Joyce Clark, Route 350, T. Macedon

Preliminary/Final Site Plan, Tax Map Ref. No. 63113-00-057796

Residential site plan

Comments:

- 1) the proposed 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,
- 2) consideration should be given to posting “driveway warning” signs on NYS Rt. 350,
- 3) a driveway permit should be obtained from the NYS Department of Transportation,
- 4) onsite 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. 350 (e.g. an onsite driveway turnaround should be provided and there should be no need to back a vehicle from the site onto NYS Rt. 350) and
- 5) future plans (if any) for the total acreage should be considered.

Other Business:

Draft solar system recommendations were provided to the Board for future consideration of solar applications.

Mr. Guthrie made a motion that the meeting be adjourned. Seconded by Mr. Ruth.

There being no further business, the meeting was adjourned at 8:30 PM.

Respectfully submitted,
Tracy Lambie, Secretary