

## WAYNE COUNTY PLANNING BOARD

### MINUTES

October 27, 2010

Larry Ruth called the October meeting of the Wayne County Planning Board to order at 7:00 p.m. in the Court House in Lyons, New York.

**Present:** Nelson Cook, Monica Deyo, Steve Guthrie, Leroy Hollier, Dave LeRoy, Larry Lockwood, Kevin Rooney, Larry Ruth, Jim Switzer, Ron Thorn, Ken VandeWalle, John Zornow

**Staff:** Bret DeRoo, Tracy Lambie

**Guests:** Bob Bringley, Marathon Eng. (ESL ATM), Michael Virts (Flex Space LLC), Michael Schultz (Principio), Bob Havrilla (Principio), Dave Morrell (ReRob), Anne Morrell (ReRob)

### SEPTEMBER 2010 MINUTES

**Action** – Approve

**Motion** – Mr. Switzer

**Second** – Mr. VandeWalle

**Abstention** – Mr. Ruth

**Motion carried**

### ZONING AND SUBDIVISION REFERRALS

#### **Principio Dock, 8522 Greig Street, V. Sodus Point**

Special Use Permit, Tax Map Ref. No: 71119-18-466141

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**Action** – Return this referral to its respective town/village to be handled as a local matter.

**Motion** – Mr. Switzer

**Second** – Mr. Guthrie

**Abstention** –

**Motion carried**

**This referral was reviewed and determined to be of no intermunicipal or countywide impact with the following comments:**

- 1) given that the dock will be used for residential purposes, the dock should conform to residential requirements,
- 2) based on water depth, there has been no justification for a dock that exceeds 60' in length,
- 3) a straight dock, 60' in length will be compatible with the residential character of the surrounding area,
- 4) any proposal should not impair navigational safety or unduly burden use of bay waters,
- 5) the existing (non-conforming) dock should be removed and
- 6) all applicable NYS DOS, NYS DEC and US Army Corps of Engineers approvals/permits must be obtained.

#### **ESL ATM., 6301 Ontario Center Road, T. Ontario**

Area Variance / Prelim. Site Plan, Tax Map Ref. No: 62117-11-733670

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**Action** – Deny with Comments

**Motion** – Mr. Switzer

**Second** – Mrs. Deyo

**Abstention –**  
**Motion carried**

**Comments:**

The Board does not wish to discourage business, but they were concerned with the traffic impacts the proposal would have on NYS Rt. 350 and Ridge Road. Without updated Traffic Impact Study information, they based their decision on existing traffic conditions (given nearby schools, day care center and businesses) as well as the potential traffic generating characteristics of the pending Rite Aid and associated Retail Building. The Board also felt that that the proposed ATM and existing home would not be compatible uses on the same parcel.

**ReRob ExpressMart, 123 Main Street, V. Macedon**

Area Variance / Special Use Permit / Prelim Site Plan, Tax Map Ref. No: 62111-08-953917

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**Action –** Modify

**Motion –** Mr. Guthrie

**Second –** Mr. Switzer

**Abstention –** Mr. Cook

**Motion carried**

The Board reviewed the above referenced referral and recommended a modification by eliminating the car wash and associated drive lane. The Board felt that this modification would lessen on-site congestion (improving traffic circulation, parking and emergency vehicle access) and is an attempt to balance the applicant's business plan with the requirements of the current zoning code. Additionally, the Board felt that this modification to the proposed project would minimize or eliminate several of the area variance requests required by reducing the area that is developed.

The Board also had the following comments (similar to their last review in 2007):

- 1) the hardship criteria required to grant the area variances must be substantiated at the local level,
- 2) all necessary NYS Department of Environmental Conservation, NYS Department of Health, NYS Department of Transportation and U.S. Army Corps of Engineers permits/approvals must be obtained,
- 3) the site should be developed in an aesthetically pleasing manner (through use of landscaping, building design/materials, etc.) as this is located on the highly traveled NYS Rt. 31 (Erie Canal Corridor).

**Flex Space LLC, 6004 S. Geneva Road, T. Sodus**

Special Use, Tax Map Ref. No: 70117-00-619302

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**Action –** Return this referral to its respective town/village to be handled as a local matter.

**Motion –** Mr. Rooney

**Second –** Mr. Zornow

**Abstention –** Mr. LeRoy

**Motion carried**

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

**Amend Zoning Ordinance, T. Palmyra**  
Amend Text

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**Action** – Approve with Condition

**Motion** – Mr. Switzer

**Second** – Mr. VandeWalle

**Abstention** –

**Motion carried**

**Condition:**

- 1) The Town attorney should review and approve the proposal.

**Crossroads Automotive, LLC., 2248 Walworth-Marion Road, T. Walworth**  
Special Use Permit, Tax Map Ref. No: 63114-15-636463

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**Action** – Approve with Conditions

**Motion** – Mr. Switzer

**Second** – Mr. VandeWalle

**Abstention** – Mr. Ruth

**Motion carried**

**Conditions:**

- 1) hazardous/toxic materials must be properly stored, handled and disposed of,
- 2) outside storage of all items should be limited and
- 3) the site should be maintained in an aesthetically pleasing manner through use of items such as landscaping and maintenance, as this site is located on the highly traveled Walworth-Marion Road.

**Pyramid Network Services, LLC., 82 Bills Road, T. Walworth**  
Special Use Permit / Prelim. / Final Site Plan, Tax Map Ref. No: 60114-00-994568

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**Action** – Approve with Condition

**Motion** – Mr. Guthrie

**Second** – Mr. Switzer

**Abstention** – Mr. Ruth

**Motion carried**

**Condition:**

- 1) The tower is strengthened (i.e. reinforce the legs between 60' and 0') to handle the additional carrier load as recommended in the "Structural Analysis Report"

**Mr. & Mrs. Joseph DiGravio, 4394 Boynton Road, T. Walworth**  
Prelim. / Final Site Plan, Tax Map Ref. No: 64115-00-101279

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**Action** – Approve with Condition

**Motion** – Mr. Rooney

**Second** – Mr. Cook

**Abstention** – Mr. Ruth

**Motion carried**

- 1) The driveway should be constructed to compensate emergency vehicle access

**Lignelli Wind Turbine, 419 Everwild Lane, T. Walworth**  
Special Use Permit, Tax Map Ref. No: 61113-06-352979

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**Action** – Approve with Conditions

**Motion** – Mr. Zornow

**Second** – Mr. Switzer

**Abstention** – Mr. Ruth

**Motion carried**

**Conditions:**

- 1) turbine noise level data should be provided and the levels should not create a public nuisance,
- 2) the turbine should be installed by a certified installer,
- 3) a licensed engineer should verify that the house has the structural capacity to meet the load requirements of the WECS,
- 4) an interconnection agreement (which includes technical, contractual, rate and metering issues) should be in place with the applicable utility company should the WECS be connected to the electric utility system or grid,
- 5) if applicable, the proposal must be in compliance with FAA regulations,
- 6) anti-climb shields should be intact,
- 7) the fall zone should be completely contained on the applicant's property and
- 8) there should be no structures within the fall zone.

(some conditions may not apply to this particular application, but are consistent with other WECS referrals):

**The following referrals were reviewed and determined to be of no intermunicipal or countywide impact.**

**Action** – Return these referrals to their respective town/village to be handled as local matters.

**Motion** – Mr. Switzer

**Second** – Mr. VandeWalle

**Abstention** –

**Motion carried**

**Michael Perce, 1452 Plank Road, T. Walworth**  
Area Variance, Tax Map Ref. No: 62116-00-643075

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Pole barn

Recommended No Intermunicipal or Countywide Impact provided that the hardship criteria required to grant the area variance are substantiated at the local level. Although a local matter, the Board did suggest that the side setback should be increased from the proposed 5' to at least 10' to help prevent fire spread potential between structures.

**Richard Kowalski, 8169 Dutch Street, T. Huron**  
Area Variance, Tax Map Ref. No: 74120-00-533024

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Subdivision

Recommended no intermunicipal or countywide impact with the following comments:

- 1) the hardship criteria required to grant the area variances must be substantiated at the local level,
- 2) emergency vehicle access (i.e. 30' wide access needed) should be planned for when considering the development potential of the proposed subdivision,

- 3) the proposed lots should be configured so any future driveway/s will have sight distances that meet American Association of State Highway and Transportation Officials (AASHTO) recommendations and
- 4) future plans for the remaining acreage should be considered.

**Steve Glover, 307 Lake Road, T. Ontario**

Area Variance, Tax Map Ref. No: 61119-00-215513

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Addition to detached garage

Recommended no intermunicipal or countywide impact provided that the hardship criteria required to grant the area variance are substantiated at the local level.

**Other Business:**

Nominating Committee: Election of Officers will take place at the December meeting. The Nominating Committee consists of Jim Switzer, Leroy Hollier and Ken VandeWalle.

There being no further business, the meeting was adjourned at 9:10 PM.

Respectfully submitted,

Tracy Lambie, Secretary