

WAYNE COUNTY PLANNING BOARD
MINUTES
December 12, 2012

Chairman, Steve Buisch called the December meeting of the Wayne County Planning Board to order at 7:00 p.m. in the Court House in Lyons, New York.

Present: Dave Broach, Steve Buisch, Ken Burgess, Monica Deyo, Steve Guthrie, Larry Lockwood, Kevin Rooney, Jim Switzer, Ron Thorn, Roger VanDemortel, Ken VandeWalle

Staff: Bret DeRoo, Robert McNary

Guests: Bob Hutteman (Wayne County Dialysis), Lori Spalding (Wayne County Dialysis), George Frantz (Huron Master Plan)

OCTOBER 2012 MINUTES

Action – Approve

Motion – Mr. Rooney

Second – Mr. Guthrie

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

Master Plan, T. Huron

Amend Text

Action – Approve with Comments

Motion – Mr. Switzer

Second – Mrs. Deyo

Opposed –

Abstention –

Motion carried

Comments:

- 1) the Town attorney should review and approve the Town of Huron Master Plan and
- 2) Huron should consider all of the options they are empowered by Town Law to use for implementing applicable Master Plan Goals, Objectives and Recommendations (e.g. use cluster subdivision regulations to provide for residential development while at the same time preserve the natural and scenic qualities of open lands).

Eugene Kunzer, Canandaigua Road, T. Macedon

Prelim. / Final Site Plan, Tax Map Ref. No. 62113-00-237012

Single family residence

Action – Approve with Comments

Motion – Mr. Switzer

Second – Mrs. Deyo

Opposed –

Abstention – Mr. Rooney

Motion carried

Comments:

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

Rezoning, 3830 Walworth Road, T. Marion

Amend Map, Tax Map Ref. No. 65114-11-622625

Action – Disapproval

Motion – Mr. Guthrie

Second – Mr. Switzer

Opposed –

Abstention –

Motion carried

Comments:

The Board felt that the Town should consider rezoning the entire 10 acres from M-R (Medium Residential) to B-1 (Neighborhood Business) in order to be consistent with the “Town of Marion Comprehensive Development Plan”.

The Board does not wish to discourage the Town of Marion’s efforts to implement comprehensive plan recommendations, but they felt it was necessary to understand why the proposed rezoning does not incorporate all of the acreage contained within tax parcel 65114-11-622625. The “Land Use Plan” map (Figure 16) that is found in the “Town of Marion Comprehensive Development Plan” indicates that the entire parcel (west to Chaintree Drive) is planned for “Commercial Business” (CB). The proposed modification appears to rezone only a portion (approximately 6.5 acres?) out of the total 10+ acres from M-R to B-1.

The Board is charged by General Municipal Law, Section 239-1, to consider a number of items when they review a proposal as listed below:

- compatibility of various land uses with one another;
- traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities;
- impact of proposed land uses on existing and proposed county or state institutional or other uses;
- protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas;
- drainage;
- community facilities;
- official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and
- such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment.

Ultimately, the Board had unanswered questions that related to most of the considerations listed above. They therefore felt there was little choice but to recommend disapproval of the proposed rezoning at this time.

As a note, the Board also routinely recommends the following comments when reviewing rezoning proposals:

- 1) the zoning should be undertaken “in accord with a well considered plan” or “in accordance with a comprehensive plan”, as referenced in the James A. Coon Local Government Technical Series,

“Adopting Zoning for the First Time” (i.e. consistent with a planning strategy that is a community/public benefit: **not** “spot zoning”) and

- 2) the Town attorney should review and approve the proposed amendments.

Wayne County Dialysis, 305 West Shore Blvd. V. Newark

Final Site Plan, Tax Map Ref. No. 67111-20-929175

Action – Approve

Motion – Mr. Rooney

Second – Mr. VanDemortel

Opposed –

Abstention –

Motion carried

Zoning Amendments of 2012, T. Rose

Amend Text

Action – Approve with Comments

Motion – Mr. Switzer

Second – Mr. VandeWalle

Opposed –

Abstention – Mr. Guthrie

Motion carried

Comments:

- 1) the Town attorney should review and approve the proposed modifications and
- 2) the town code should provide for the periodic review (e.g. once per year) of special use permits to ensure compliance with applicable regulations.

Ronald Lawrence, 7692 Fisher Road, T. Williamson

Prelim. / Final Subdivision Plan, Tax Map Ref. No. 64119-00-247407

Action – Approve with Comments

Motion – Mr. Rooney

Second – Mr. Burgess

Opposed –

Abstention –

Motion carried

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 and
- 2) future plans for the total holdings should be considered.

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. VanDemortel

Abstention –

Motion carried

Brittany & Anthony Pergolizzi, 1747 Walworth Road, T. Macedon

Area Variance, Tax Map Ref. No. 63111-00-906982

Accessory structure, front yard

Comments:

- 1) the hardship criteria that are required to grant an area variance must be substantiated at the local level,
- 2) the septic system should not be disturbed by the proposed accessory structure and
- 3) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations, particularly given the location proposed for the accessory structure.

Stacy Pickering, 498 Ridge Road, T. Ontario

Area Variance, Tax Map Ref. No. 61117-10-452558

Comments:

- 1) the hardship criteria that are required to grant an area variance must be substantiated at the local level

Cross Park Restaurant, 1121 East Union Street, V. Newark

Area Variance, Tax Map Ref. No. 68110-08-861990

Comments:

- 1) the hardship criteria that are required to grant the area variance must be substantiated at the local level and
- 2) all other applicable zoning regulations regarding signage should be adhered to (e.g. size of sign).

Robert Moon, 8207 Starling Road, T. Wolcott

Special use Permit, Tax Map Ref. No. 75120-19-566067

Comments:

- 1) the proposed dormers should not interfere with adjacent property owner/s views of Port Bay and
- 2) building improvements must meet applicable NYS Uniform Fire Prevention and Building Codes.

Other Business:

Election of 2013 officers:

The following slate of Officers was presented:

Chairman – Ron Thorn

Vice-Chair – Dave LeRoy

Secretary – Roger VanDemortel

Motion made by Mr. Guthrie that the nominations be closed and that the administrative secretary cast one ballot for each nomination. Seconded by Mrs. Deyo. Motion Carried.

There being no further business, the meeting was adjourned.

Respectfully submitted,
Tracy Lambie, Secretary