

WAYNE COUNTY PLANNING BOARD  
MINUTES  
April 30, 2008

Chairman John Zornow called the March meeting of the Wayne County Planning Board to order at 7:01 p.m. in the Court House in Lyons, New York.

Present: Steve Buisch, Monica Deyo, Scott Gregg, Steve Guthrie, Leroy Hollier, Doc Malchoff, Kevin Rooney, Larry Ruth, Jim Switzer, Ron Thorn, Ken VandeWalle, John Zornow

Staff: Bret DeRoo and Susan Pullen

Guests: Leon Gaklick, Jim MacKecknie, Lu Engineers, Bill Haynes (Midland Asphalt), Matt Kerwin (Omnipoint), Mark Wright (Smith-Ely Mansion)

**MINUTES**

Motion made by Mr. Switzer to Approve the March minutes. Seconded by Mr. Malchoff. Motion Carried.

**ZONING AND SUBDIVISION REFERRALS**

Midland Asphalt, 300 Cole Road, V. Lyons 4/08-43  
Preliminary/Final Plan, Tax Map Ref. No: 71111-15-575260

Referral to install a 4 million gallon metal tank for storing liquid asphalt. Phase I last year was installing a 2 million gallon tank which is in service now. Phase 2 is to construct this 4 million gallon tank inside a bermed area. After phase 2 they plan an emergency road along the south side of the property for fire and ambulance, as requested by DEC. Police and ambulance will be able to utilize the back gate for marine emergencies. Phase 3 will be to add solar panels on tanks and also to add a helipad on the southern edge of the property for emergencies.

Motion made by Mr. Rooney for Approval with the condition that all NYS Department of Environmental Conservation regulations are met. Seconded by Mr. Malchoff. Motion Carried.

Omnipoint Communications, 6110 Clark Road, V. Newark 4/08-39  
Special Permit, Tax Map Ref. No: 68110-18-305052

Referral for co-location of antennas on existing 100' monopole. There will be 6 panel antennas 5-6' wide, 10" wide. The current antennas for Cricket are located at 70'. The tower was constructed for added co-locations. They are lacking coverage in the area and try to use existing towers or tall structures for co-locations. They don't anticipate any new towers in the near future.

Motion made by Mr. Switzer for approval with the condition that all applicable federal, state and local regulations are met. Seconded by Mr. Gregg. Motion Carried.

Smith-Ely Mansion, Mark Wright, 39 West Genesee Street, V. Clyde  
Special Permit, Tax Map Ref. No: 74112-14-284428

4/08-44

Referral to operate a bed and breakfast. The building previously was used as apartments. Mr. Wright was present and indicated the law stipulates he can have 5 bedroom suites with up to 10 guests. He will not utilize the third floor as suites as that would require a sprinkler system. There is parking to the rear of the property with a wraparound driveway. Mr. Wright indicated he would maintain a residence in the building.

Motion made by Mr. Guthrie for approval with the following conditions: 1) all development must meet NYS Uniform Fire Prevention and Building Code and 2) any building modifications/improvements should be aesthetically pleasing (through use of building design and materials, landscaping, etc.) given the site's visibility and location on a highly traveled street (NYS Rt. 31). Seconded by Mr. Rooney. Motion Carried.

Finger Lakes Construction, 10269 Old Route 31, T. Galen  
Preliminary/Final Plan, Tax Map Ref. No: 73112-00-634540

4/08-45

Referral to construct a 22,275 sq. ft. warehouse for steel roll forming. The parcel is 30+ acres and has room for future expansion. The building is located on the southern part of the parcel. The rolls of steel for metal siding come in by truck, are put on a machine which makes the ridges and cuts the product to length. Anticipate creating 10 jobs; employ 150 total at this time.

Motion made by Mr. Rooney for approval with the following conditions: 1) storm water and erosion and sediment control measures must meet NYSDEC Phase II regulations should one (1) acre or more soil be disturbed by the development and 2) the site should be developed in an aesthetically pleasing manner (through use of building design and materials, landscaping, limiting outside storage, etc.) because: 1) the parcel is partially visible from the highly traveled NYS Rt. 31 (Canal Corridor) and 2) this is one of the "anchor" PD zone developments and can help set the precedent for future PD zone proposals. The County Planning Board was pleased to see that the business is expanding. Seconded by Mr. Switzer. Motion Carried.

Tom Hunt, 31 Glasgow Street, V. Clyde  
Special Permit, Tax Map Ref. No: 74112-14-361332

4/08-35

Referral to create a 550 sq. ft. one-bedroom apartment out of part of an existing business office. The owner has been unable to rent the building as a business. He will create a 1300 sq. ft. business in front. The apartment would be to the back of the building.

Motion made by Mr. Guthrie for approval with the following conditions: 1) all development must meet NYS Uniform Fire Prevention and Building Code and 2) any building modifications/improvements should be aesthetically pleasing (through use of building design and materials, landscaping, limiting outside storage of items such as garbage totes, etc.) given the site's visibility and location on a highly traveled street (NYS Route 414). Seconded by Mr. Ruth. Motion Carried.

Keith Martin, 8880 Sunderville Road, T. Galen  
Special Permit, Tax Map Ref. NO: 71111-00-953291

4/08-46

Referral to operate a dog kennel and breed dogs. The kennels are 8x12x32' and will hold up to 20 dogs. There are ten individual pens 6x4'. The board had concerns about the size of the pens for sleeping and exercise. There is adequate room for storage of materials. The office would be in the house.

Motion made by Mr. Switzer for approval with the following conditions: 1) necessary NYS Department of Agriculture and Markets and USDA permits/approvals must be obtained, 2) applicable NYS Department of Agriculture and Markets and USDA kennel guidelines should be followed, 3) "operational odors" and noises should be mitigated, 4) animal waste must be properly disposed of, 5) outdoor boarding (noise mitigation) and/or storage should not be permitted, 6) the site should be developed in an aesthetically pleasing manner (through use of items such as building design and materials, landscaping and general property maintenance), 7) proper veterinary care and records should be provided and 8) driveway sight distances should meet American Association of State Highway Transportation Officials (AASHTO) recommendations. The Board ultimately wanted to ensure that the dogs are provided with adequate living conditions, including the space to receive daily exercise. Seconded by Mr. Rooney. Motion Carried.

Commerce Center Master Plan, T. Ontario  
Amendment to Text

4/08-42

Referral for the site layout and design for future industrial/commercial users. This will impact 350 acres between Dean Parkway and Lakeside Road. An environmental impact was done for the entire parcel. Companies on the parkway lease from the IDA. There is an empire zone to the east to Mill Creek. This will encompass 7 parcels on a roundabout road back to Dean Parkway. Companies are using the railroad for biogas and biodiesel.

Motion made by Mr. Ruth for approval, seconded by Mrs. Deyo. Abstained: Mr. Switzer. Motion Carried.

Todd Henry/Empire State Wind Energy Test Tower, 3292 Lakes Cor-Rose Valley Rd., T. Rose 4/08-36  
Special Permit, Tax Map Ref. No: 73113-00-091986

Referral to site a test tower for data collecting. The tower would be under 200'. The tower would be in place for 2 years to test winds in different seasons as well as different tower heights. The tower is also in proximity to the power lines for a tie-in to the grid. The town is also in partnership with Huron, Butler and Wolcott to study the feasibility of wind farms in the northeast.

Motion made by Mr. Gregg for approval with the condition that the tower "fall zone" lies within the leased area (i.e. will not impact non-leased land). Seconded by Mr. Ruth. Motion Carried.

Michael Demareo, 2241 Walworth-Marion Road., T. Walworth  
Special Permit, Tax Map Ref. No: 63114-15-625465

4/08-47

Referral to sell used cars. This is a simple transfer of ownership, with the same kind of business. The town will institute the same conditions as the previous used car dealership.

Motion made by Mr. Rooney for approval with the same conditions that applied to the previous owner. The Board feels the business has been operated and the property maintained in a manner that has helped it remain compatible with the blend of surrounding land uses. Seconded by Mr. Guthrie. Abstained: Mr. Ruth. Motion Carried.

Landmark Stables, 4240 Ontario Center, T. Walworth  
Home Occupation, Tax Map Ref. No: 63115-00-196117

4/08-48

Major home occupation for horse boarding/stables. Parcel is 34 acres. The stables are already built with an indoor riding ring. They will be able to board up to 28 horses. There is a gun club across the street. There is a single driveway access. There was much discussion about the driveway, slow moving traffic with trucks and horse trailers.

Motion made by Mr. Rooney for approval with the following conditions: 1) animal waste should be properly disposed of, 2) any proposed lighting should be "contained" on-site (i.e. no light pollution should be permitted) and 3) either another driveway should be added or the existing driveway should be widened to provide for safe site ingress/egress. Given the significant traffic volume, posted speed limit of 50 M.P.H. in the project area and the type of traffic that is expected (e.g. trucks with trailers), the Board would like to ensure that traffic generated by the stable activity flows efficiently. The Board therefore suggested contacting the NYS Department of Transportation to pursue the suggested driveway modifications. Seconded by Mr. Switzer. Abstained: Mr. Ruth. Motion Carried.

Pease-Ridge Subdivision, Pease/Ridge Roads, T. Williamson  
Preliminary/Final Subdivision, Tax Map Ref. No: 64117-00-468457

4/08-40

Referral for a 6 lot subdivision. This is a split of 13 acres into 6 lots. There are 5 building lots with site plan design; lot #6 to be sold to neighbor, not to be developed. Lot #1 would access Ridge Road. There is town water and septic systems. Lots are 1.5, 1, 2.7, 2.7, 2.3 acres. Lots meet zoning codes for Williamson.

Motion made by Mr. Gregg for approval with the following conditions: 1) a permit is obtained from the Wayne County Highway Department for the proposed driveway that will access Ridge Road (Lot No. 1) and 2) stormwater and erosion and sediment control measures must meet NYSDEC Phase II regulations. Seconded by Mrs. Deyo. Motion Carried.

Sue Cook, 7965 Lark Road, T. Wolcott  
Special Permit, Tax Map Ref. No: 75119-07-650783

4/08-38

Referral to replace mobile home with a stick built home and septic system on less than one acre in a waterfront district.

Motion made by Mr. Ruth for approval with the condition septic system meets NYS Department of Health regulations, particularly given the density of surrounding development and proximity to Port Bay. Seconded by Mr. Switzer. Abstained: Mr. Gregg. Motion Carried.

The following referrals were reviewed and determined to be of no intermunicipal or countywide impact. Unless otherwise noted, motion made by Mr. Switzer, seconded by Mr. VandeWalle to return these referrals to their respective town/village to be handled as local matters. Motion Carried.

Richard Marino, 6547 Lakeside Road, T. Ontario  
Area Variance, Tax Map Ref. No: 61117-00-894987

4/08-41

Construct deck less than 60' from the road. Conditions: 1) the hardship criteria required to grant an area variance are met at the local level and 2) the Wayne County Highway Department is consulted to make sure they have no safety or maintenance issues with the proposal to build closer to Lakeside Road.

## **OTHER BUSINESS**

Training – There was good attendance at the Seneca/Wayne County training this month. Members who are on local zoning and planning boards are encouraged to ask their municipality to pay mileage for this training. County board members will be paid mileage by the county. Members were reminded that Genesee/Finger lakes Regional Planning Council will sponsor training on May 9<sup>th</sup> at the Burgundy Basin Inn.

There being no further business, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Susan Pullen  
Secretary