

WAYNE COUNTY PLANNING BOARD

MINUTES

June 25, 2014

Chairman, Dave LeRoy called the June meeting of the Wayne County Planning Board to order at 7:00 p.m. in the Public Safety Building in Lyons, New York.

Present: Dave Broach, Steve Buisch, Ken Burgess, Robert Burns, Steve Guthrie, Bob Hutteman, Matt Krolak, Dave LeRoy, Larry Lockwood, Mike Melino, Larry Ruth, Mike Schuth, Ron Thorn, Ken VandeWalle

Staff: Bret DeRoo, Tracy Lambie

Guests: John Krueger (HEP Sales), Robert J. Brenner, Esq (Nixon Peabody - Verizon), William 'Ron' Brown (Q's Landscape), Robin Brown (Q's Landscape), Alex Quku (Q's Landscape), George Polisse

MAY 2014 MINUTES

Action – Approve

Motion – Mr. Ruth

Second – Mr. Burgess

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

HEP Materials Corp., 6576 Ruote 31 East, V. Newark

Area Variance / Preliminary/Final Site Plan, Tax Map Ref. No. 69111-00-028084, 69111-00-015092

Replace existing building with 5,400 sq. ft. retail store

The area variance was determined to be of no intermunicipal or countywide impact.

Action – Approve Preliminary/Final Site Plan with Comments

Motion – Mr. Ruth

Second – Mr. Guthrie

Opposed –

Abstention –

Motion carried

Comments:

- 1) the property owner/s should be aware that portions of the parcel may contain (or be near) both National wetland and NYS Department of Environmental Conservation designated wetland areas and FEMA flood zone area and any planning/development should be done in accordance with applicable regulations,
- 2) the building/site should be developed and maintained in an aesthetically pleasing manner (through use of items such as building design/materials, fencing, landscaping etc.), particularly given that the site is visible from the highly traveled NYS Rt. 31 (NYS Canal Corridor). HEP will likely have building/site design options available that meet the character the Village desires and
- 3) any necessary NYS Department of Transportation approvals/permits must be obtained.

Verizon Wireless Co-Location, 7186 Maxison Drive, T. Arcadia

Final Site Plan, Tax Map Ref. No. 69113-00-732964

Co-Locate wireless antenna on existing cell tower

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

Action – Return this referral to the town to be handled as a local matter.

Motion – Mr. Guthrie

Second – Mr. Ruth

Opposed –

Abstention –

Motion carried

Comments:

- 1) a Verizon wireless network “master plan” (see comment 6 below) should be considered (i.e. where else do service inadequacies need to be addressed?),
- 2) Verizon’s plans to provide high speed broadband coverage (e.g. 4G capability?) should be considered,
- 3) the structural analysis should determine that the tower can compensate the additional load and meet applicable codes/regulations,
- 4) the obsolete tower should be removed before these antenna are mounted to the 285’ self-supporting tower (ATC) as proposed and
- 5) the property owner/s should be aware that portions of the parcel may contain both National wetland and NYS Department of Environmental Conservation designated wetland areas and any planning/development should be done in accordance with applicable regulations.

For reference, the following are recommendations that the Wayne County Planning Board has made regarding past cell tower development:

- 1) Require carriers to 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) Establish design standards for cellular towers that require each tower to have the ability to accommodate at least two additional carriers.
- 3) Consider amending zoning laws to designate specific sites for tower location.
- 4) Adhere to SEQR closely, ensuring that proper environmental reviews are conducted.
- 5) Exhaust all available alternative sites, including the use of existing structures, prior to approval of any application.
- 6) 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.
- 7) A detailed proposal should be provided to the Town concerning mitigation of visual and aesthetic impacts.

George Polisse, 2858 Route 21 N, T. Palmyra

Use Variance, Tax Map Ref. No. 62113-00-497375

Continue existing motorcycle repair/sales business

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

Action – Return this referral to the town to be handled as a local matter.

Motion – Mr. Melino

Second – Mr. Ruth

Opposed –

Abstention – Mr. Krolak

Motion carried

Comments:

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

- 2) consideration should be given to ensuring that the proposed commercial use is compatible with surrounding land uses,
- 3) the building/site should be developed and maintained in an aesthetically pleasing manner through use of items such as building design/materials, fencing, landscaping etc., particularly given that the site is visible from the highly traveled NYS Rt. 21 and
- 4) any/all toxic/hazardous materials must be properly stored, used and disposed of.

Q's Lawn and Landscape, 199 State Farm Road, T. Arcadia

Special Permit, Tax Map Ref. No. 69110-00-479027

Lawn Care Business

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

Action – Return this referral to the town to be handled as a local matter.

Motion – Mr. Melino

Second – Mr. Burgess

Opposed –

Abstention – Mr. Hutteman

Motion carried

Comments:

- 1) any future plans for the applicant's use of this site and building should be considered (i.e. what is the scope of activity on this parcel; is equipment stored AND maintained on-site?, etc.),
- 2) use of the parcel should proceed in a manner that helps protect the relation between residential and nonresidential uses,
- 3) screening (e.g. fence, berm, landscaping, etc.) should be used to help the development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts). The Board felt that trees, such as evergreens, could be used for screening along the length of the northern side of the driveway and additional screening should be used along the length of the berm that exists to the east of the building,
- 4) outside storage should be limited (i.e. equipment in disrepair should not be permitted to accumulate),
- 5) any/all toxic/hazardous materials must be properly stored, used and disposed of, in accordance with all applicable rules/regulations, including but not limited to NYS Department of Health and NYS Department of Environmental Conservation regulations (particularly important given that local water supplies are reportedly provided by wells in this area),
- 6) dust generated from use of the driveway and entire site should be mitigated as soon as possible. If the tack coat that has reportedly been used on the driveway doesn't work, use of other alternatives (millings, etc.) should be pursued and
- 7) proposed hours of operation should be understood.

Brouwer Vehicle Collision Shop, 4791 Route 414, T. Rose

Special Permit, Tax Map Ref. No. 73115-00-898791

Vehicle collision shop

Action – Disapprove

Motion – Mr. Buisch

Second – Mr. Melino

Opposed –

Abstention – Mr. Guthrie

Motion carried

Comments:

The Board does not wish to discourage business or reuse of existing buildings, but there were questions regarding the proposed business that couldn't be answered as the applicant did not attend the meeting. The following comments were noted by the Board:

- 1) any/all toxic/hazardous materials must be properly stored, used and disposed of,
- 2) the driveway should have sight distances available that will meet AASHTO (American Association of State Highway and Transportation Officials) recommendations (which it appears to),
- 3) outside storage should be limited,
- 4) there should be clarification regarding where the collision work will take place (each barn?),
- 5) use of the parcel should proceed in a manner that helps protect the relation between residential and nonresidential uses (e.g. through use of screening and other visual and noise mitigating measures),
- 6) consideration should be given to ensuring that the proposed commercial use is compatible with surrounding land uses and
- 7) the building/site should be developed and maintained in an aesthetically pleasing manner through use of items such as building design/materials, fencing, landscaping etc., particularly given that the site is visible from the highly traveled NYS Rt. 414.

Bob and Stephanie Porter, 3369 Parker Road, T. Marion

Special Permit, Tax Map Ref. No. 64114-00-964047

Convert space above garage to dog boarding facility.

Action – Disapprove

Motion – Mr. Ruth

Second – Mr. Buisch

Opposed –

Abstention – Mr. Burns

Motion carried

Comments:

The Board does not wish to discourage business, but there were questions regarding the proposed business that couldn't be answered as the applicants did not attend the meeting.

The Board had specific concerns regarding the proposed use of the space above a garage for kennels and ultimately felt that the structure is not adequate for kennels. They questioned how fire safety (emergency exit/s?), potential impacts from carbon monoxide (from vehicles in the garage below), and sanitization of the kennels (given the type of flooring for example) would be addressed/provided.

For reference, the following comments have been made by the board regarding dog breeding/kennel referrals (some of which will not apply to a kennel operation only):

- 1) any 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 to the Town,
- 8) there should be periodic inspections of the facility by either state and/or local officials and
- 9) driveway sight distances should meet American Association of State Highway Transportation Officials (AASHTO) recommendations and
- 10) all applicable NYS Uniform Fire Prevention and Building Codes should be met.

The Board would ultimately like to ensure that the dogs are provided with adequate living conditions, including the space to receive daily exercise.

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. Burgess

Second – Mr. Hutteman

Opposed –

Abstention –

Motion carried

Barbara Pritchard, 1559 Paddy Lane, T. Macedon

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 62111-11-770581

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,
- 3) future plans (if any) for the total acreage should be considered and
- 4) the property owner/s should be aware that portions of the parcel may contain FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

Sue Anne Yonosko (Regis), 2075 Magog Road, T. Macedon

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 63111-00-425075

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,
- 3) future plans (if any) for the total acreage should be considered and
- 4) the property owner/s should be aware that portions of the parcel may contain both National wetland and NYS Department of Environmental Conservation designated wetland areas and any planning/development should be done in accordance with applicable regulations.

Paul Heid, 108 Main Street, V. Macedon

Sign Permit, Tax Map Ref. No. 62111-08-908932

Install sign for new business

Comments:

The proposed signage should not impede available sight distances.

Ralph & Patricia DiCesare, 3696 Marion-Walworth Road, T. Marion

Preliminary / Final Subdivision Plan, Tax Map Ref. No. 65114-00-382498

3 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,
- 3) future plans (if any) for the total acreage should be considered and
- 4) the property owner/s should be aware that portions of the parcel may contain both National wetland and NYS Department of Environmental Conservation designated wetland areas and any planning/development should be done in accordance with applicable regulations.

Jeffery Saunders, 3732 Mill (Union) Street, T. Marion

Preliminary / Final Subdivision Plan, Tax Map Ref. No. 65114-16-866471

2 lot subdivision

Comments:

- 1) future plans (if any) for Lot 2 should be considered,
- 2) the proposed zoning map amendment 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
- 3) the Town attorney should review and approve the proposed map amendment.

JME Automotive/Jay Hurzy, 646 Route 104, T. Ontario

Area Variance, Tax Map Ref. No. 61117-11-631616

Replace existing sign with LED sign

Comments:

- 1) the hardship criteria that are required to grant the area variance must be substantiated at the local level and
- 2) the proposed signage should not impede available sight distances.

Ronald Bailey Subdivision, 7140 & 7150 Lakeside Road, T. Ontario

Preliminary / Final Subdivision Plan, Tax Map Ref. No. 61118-00-996700

3 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,
- 3) future plans (if any) for the total acreage should be considered and
- 4) the property owner/s should be aware that portions of the parcel may contain (or be near) FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

Other Business:

A motion was made by Mr. Ruth to reconsider the Q’s Lawn and Landscape application. There was no second. Motion died. Original motion stands.

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

Respectfully submitted,
Tracy Lambie, Secretary