

# WAYNE COUNTY PLANNING BOARD

## MINUTES - DRAFT

January 26, 2022

A meeting of the Wayne County Planning Board was held via Zoom only, with Notice and publication of this meeting being posted on the county website, and at two county buildings, 26 Church St. and 9 Pearl St. in Lyons, NY. Chairman Bob Milliman called the meeting to order at 7:04 p.m.

Upon roll call, the members present via Zoom or by phone were Ron Baker (Sodus), Mert Bartels (Macedon), Kenneth Conklin (Ontario), Steve Guthrie (Rose), Matt Krolak (Palmyra), Bob Milliman (Wolcott), Bert Peters (Williamson), Larry Ruth (Walworth), and Ron Thorn (Galen). These nine (9) members in attendance represented a quorum of the Board. Robert Burns (Marion), Bob Hutteman (Arcadia), and Larry Lockwood (Huron) were absent. There are three (3) vacancies on the board. County staff in attendance were Brian Pincelli, Bret DeRoo, Thomas Lyon, and Deb Hall, assistant secretary to the board. There were 23 members of the public in attendance, both in general interest of or in representing the applications on the agenda for review.

**TRAINING** Mr. Pincelli, Director of Planning, addressed the board to provide an update on the training requirements for board members. The 4-hours of annual training must be completed by each board member and attested to by signature on a form which will be created by the assistant secretary to the board. Periodically, the staff will share training opportunities with the board members to help them complete this requirement or they can find training online at the Dept of State, Local Government website in pre-recorded sessions or live seminars. Training completion will be required by the end of the year.

**MINUTES** Chairman Milliman announced that meeting minutes had been made available online prior to the meeting and asked if there were any changes or comments. Hearing none, Mr. Baker made a motion to accept the minutes from the December 2021 meeting, with a second from Mr. Conklin. The minutes were approved unanimously.

Before reviewing Referrals on the agenda, Chairman Milliman asked that Ms. Hall read the “meeting guidelines” for those members of the public who had never attended a meeting, in order for them to understand the role and procedures of the board when reviewing applications. Public participation would only be at the invitation or discretion of the Chairman.

### **ZONING AND SUBDIVISION REFERRALS**

Chairman Milliman then asked Ms. Hall to read the list of referral applications that were determined by the preview committee to have “no significant county-wide or inter-community impact”, also known as NCI. Ms. Hall read the list of these eleven (11) referrals.

#### **Project: Town of Ontario – Wooster Way Subdivision**

Address: 1200 Wooster Way

Tax Map Ref. No.: 62117-10-320605

Type of Action: Prelim/Final Subdivision

#### **Project: Town of Palmyra - Combs Property**

Address: 1350 / 1358 Hammond Rd

Tax Map Ref. No.: 65111-00-820473 & 65111-00-823507

Type of Action: Prelim / Final Subdivision

#### **Project: Town of Palmyra - LaBerge Subdivision**

Address: 940 Rt. 21 S

Tax Map Ref. No.: 64110-00-684944 & 64110-00-821928

Type of Action: Prelim / Final Subdivision

#### **Project: Town of Savannah - Martin Subdivision**

Address: East Side Aikens Rd / North of Cotten Rd.

Tax Map Ref. No.: 77113-00-579643

Type of Action: Prelim/Final Subdivision Plan

**Project: Town of Savannah - Harper Subdivision**

Address: West of Cotten Rd.

Tax Map Ref. No.: 76113-00-950318

Type of Action: Prelim/Final Subdivision Plan

**Project: Town of Savannah - Austin Subdivision**

Address: 12384 Cook Hill Rd

Tax Map Ref. No.: 76112-00-318661

Type of Action: Prelim/Final Subdivision Plan

**Project: Town of Walworth - Kummerow Subdivision**

Address: 304 Whitney Rd, Lot 8

Tax Map Ref. No. : 61116-00-115754

Type of Action(s): Subdivision & Site Plan

**Project: Town of Walworth - Darron Subdivision**

Address: 3615 Baker Rd.

Tax Map Ref. No. : 62114-00-508310

Type of Action(s): Prelim/Final Subdivision

**Project: Town of Walworth - Englert Subdivision**

Address: 3742 Walworth-Ontario Rd.

Tax Map Ref. No. : 63114-15-644496

Type of Action(s): Prelim/Final Subdivision

**Project: Town of Williamson - 3629 Eddy Rd.**

Address: 3629 Eddy Rd.

Tax Map Ref. No. : 65116-00-384932

Type of Action: Special Permit & Subdivision

**Project: Village of Newark - Winburn / Schoonerman**

Address: Northside of Blue Cut / Hartnagle Rd

Tax Map Ref. No. : 69111-00-292114

Type of Action: Use Variance

The Chairman requested comments from the board. Hearing none, a motion was made to recommend that these referrals would have *no inter-municipal or countywide impact (NCI)*, and send back to their referring entities for local action. **Motion** – Mr. Bartels, **Second** – Mr. Conklin. Chairman Milliman requested roll call vote. **Ayes** – 9, **Opposed** – None, **Abstention** – None. **Motion carried.**  
**Action** – Return these referrals as NCI with staff comments to the municipalities to be handled as local matters.

The following nine (9) projects were then presented by Mr. DeRoo for review and discussion individually by the Board.

**Project: Town of Lyons - Lucas Dobbins Boarding House**

Address: 64 Water St.

Tax Map Ref. No. : 71111-09-035621

Type of Action: Special Permit

Mr. Dobbins was present at the meeting and described the project as a transitional home assigned to residents by the County Dept. of Social Services (DSS) as temporary housing until permanent housing could be found. He confirmed that construction had already begun on the new stairwell entrance at the back of the building and that the top two floors would each have 6 units for single occupancy. Mr. Baker asked if this would be a short-term. Mr. Dobbins felt that 30 days was maximum, but depends on circumstances. Mr. Dobbins stated that tenants would be screened by DSS prior to gaining access to the building via key fobs and special permission. Mr. Conklin asked for confirmation that the stairwell in the back was a second entrance/exit. Mr. Dobbins confirmed that the other

entrance was a stairwell entrance on Water St. He also confirmed Class 2 fire system, with lock box, security cameras, and security lighting would be installed. Comments from staff included the following:

- 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, property maintenance, etc., particularly given the site's location on the Erie Canalway National Heritage Corridor,
- 2) emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, law enforcement and fire),
- 3) security measures should be intact (e.g. the site should be lighted),
- 4) traffic generating characteristics of the property should be considered, including, but not limited to the following: use of the full building, driveway location(s), building area, parking area(s), and expected traffic circulation. Proposed traffic circulation, building area and associated parking area(s) should be designed/developed in a manner that will meet applicable local parking requirements and provide safe pedestrian and vehicular interaction between those items as well as access to local streets,
- 5) all necessary local, federal and state recommendations/regulations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes, NYS Department of Health) and
- 6) future plans (if any) for the property should be considered.

A motion was made to recommend approval of the requested Special Permit with comments and return to the town. **Motion** – Mr. Krolak, **Second** – Mr. Conklin, Chairman requested roll call vote. **Ayes** – 9, **Opposed** – None, **Abstention** – None. **Motion carried. Action** – Recommend approval with comments.

**Project: Town of Lyons - Dunn Rd. Solar Project**

Address: Dunn Rd.

Tax Map Ref. No. : 71111-18-260199

Type of Action: Use Variance

Representatives from Bergmann Associates, Kristin Jacobs and Dave Plant, as well as Peter Dolgos from developer, Delaware River Solar (DRS), were at the meeting to describe the project. Mr. Dolgos explained the background work that has already been done in negotiating with utility for connection. During this process, the zoning for the parcel was noted as Res-Ag, which was later found to be in error, according to new zoning for the town. The landowner was unaware of this change in zoning, but hence, the need for a use variance. Mr. Plant noted that the parcel is located in an area known as the Lyons Industrial Park. The development meets setback and lot coverage requirements and does not affect any wetlands. Mr. Peters asked the life of the project and if there was concern at the town due to location in an industrial park. Ms. Jacobs reported that this could be an attractor for other industrial users but that the new zoning is still not industrial and the life of the project is 30 years. Mr. Guthrie stated concern that use variance stay with the property forever. Mr. Baker asked about impact to neighboring properties. Mr. Henry, a guest of the meeting was allowed to speak as volunteer board member from the town of Lyons zoning. He stated that the town has heard from neighbors and will be contacting the Industrial Park Board to review this project. Mr. Bartels asked about lot coverage to which Mr. Plant responded use of 22 acres from 37-acre parcel. Mr. Pincelli reminded the board of the criteria required to be considered for a use variance. Comments from the staff included:

- 1) the hardship criteria (rules/test) that are required to grant the use variance must be substantiated at the local level,
- 2) the minimum variances necessary should be considered,
- 3) 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 system design/materials, fencing, berms, landscaping, etc.,
- 4) it should be confirmed that the solar panels will not produce a glare (possibly impacting neighboring property owners, motorists, etc.),
- 5) a photovoltaic system decommissioning plan and operation and maintenance plan should be intact,
- 6) the access driveway should have sight distances available that meet AASHTO (American Association of State Highway and Transportation Officials) recommendations,
- 7) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes, NYS Department of Environmental Conservation – Phase II stormwater management and erosion and sediment control regulations, NYS Department of Agriculture and Markets - “Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands (Revision 10/18/2019)”, NYS Office of Parks, Recreation and Historic Preservation/SHPO, US Army Corps of Engineers and US Fish and Wildlife Service regulations),

- 8) the property owner(s)/applicant should be aware that portions of the parcel may contain (or be near) National wetland area (approximate mapping available online at <https://gisservices.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations and
- 9) future plans (if any) for the total acreage should be considered.

For additional reference, the following are items that the Board feels could be considered when reviewing PV system applications (Source: NYS Department of State, Division of Local Government Services, “Solar Energy Regulation” presentation):

**Compatibility with neighborhood character:**

1. Do not negatively impact adjacent uses
2. Visually compatible
  - a. For example, potential impact includes glare or reflection, which might be nuisance to other property owner or impair visibility of motor vehicle drivers
3. Use sensitivity especially in areas containing unique architectural styles or historic structures

**Review elements:**

- 1) Access to solar energy
- 2) Casting shadows
- 3) Blocking view sheds
- 4) Causing glare
- 5) Rain run-off

**Decommissioning provisions:**

- Some municipalities address abandonment, decommissioning or “cessation of activity” within their regulations
- For example, “Must ensure site will be restored to useful, nonhazardous condition, including completion time frame for complete removal of collectors, mounts and other associated equipment and facilities”
- Some require decommissioning plans, especially for commercial scale projects

Also for reference, the Board is seeking additional information to help assess/consider the relationship between items such as agricultural and farmland protection efforts, NYS clean energy goals, comprehensive plans/local zoning regulations and details regarding proposed photovoltaic (PV) system development. Since late 2016, the WCPB has now reviewed over eighteen (18) similarly sized PV systems (2-4 megawatt AC) from municipalities across the county. At least 14 of the applications appear to have been approved locally and 8 of those 14 systems have been constructed: combining for a total of approximately 125 acres of “solar acreage”. All 18 applications would be comprised of approximately 265 acres of solar development area if approved. In their review, the Board has noticed that several, but not all, of the proposals were for systems that would be sited on active farmland. They understand some municipalities, such as Lyons, potentially permit solar developments on farmland, but they are still interested in continuing to explore development options that would help minimize farmland impacts. As a note, both the NYS Department of Agriculture and Markets as well as the American Farmland Trust offer guidance documents regarding ways to protect farmland while permitting solar development.

Again for reference, the US Census Bureau indicates that the county is comprised of approximately 603.83 acres of land, which converts to 386,451.2 acres. In regard to farmland, data indicates that over approximately 67% of the total soil in Wayne County can be classified in one of the following USDA soil categories: “**prime**” - approximately **165,030 acres** countywide, “**prime if drained**” - approximately **46,981 acres** countywide and/or of “**statewide importance**” - approximately **53,419 acres** countywide (Wayne County RPTS tax parcel boundaries and USDA Soil Survey).

Given discussion with PV system developers, there are site-specific design requirements and therefore certain parcels/sites have attributes that are better suited for development than others. Attributes that have been referenced include, but are not necessarily limited to proximity to three-phase electric power as well as utility company substations. The substations then need to have the capacity to handle the generated power. Reportedly, an agency such as NYSERDA, and possibly the applicable utility company, may be able to offer guidance regarding where PV systems can “tie into the grid”. If so, it could be beneficial to contact a representative from NYSERDA and/or NYSEG / RG&E to help determine where PV systems are feasible in the town and ultimately determine how much acreage/farmland will potentially be used for PV development. For reference, the NYS Department of State has a

useful reference document available, “**Zoning Board of Appeals**”, on their website @ <https://dos.ny.gov/system/files/documents/2021/09/zoning-board-appeals.pdf>  
Details regarding each of the variance “hardship rules/test” can be found in this document.

A motion was made to recommend that this request for Use Variance would have *no inter-municipal or countywide impact (NCI)* with comments as noted, and return to the town.

**Motion** – Mr. Guthrie, **Second** – Mr. Conklin, Chairman requested roll call vote. **Ayes** – 9, **Opposed** – None, **Abstention** – None. **Motion carried. Action** – Return to town as NCI with comments.

**Project: Town of Lyons - Rt. 14 Solar Projects I, II, III**

Address: 776/816 Route 14

Tax Map Ref. No. : 71110-00-267856

Type of Action: Preliminary Subdivision

Bergmann and DRS representatives remained at the meeting to discuss this project, seeking subdivision of 167-acre lot into 3 smaller lots, each to be used for a solar project. Mr. Plant explained that each project would have less than 50% lot coverage. The parcel with road frontage along Rt. 14 would utilize evergreen landscaping and a cow fence to reduce visual impact. There were no wetland impacts nor historic impacts. Mr. Dolgos explained that subdivision was requested to minimize tax and utility impacts. The current owner would retain ownership of the land. Mr. DeRoo explained that, if referred by the town, the site plan would likely come back to this board for review at a later date. Mr. Guthrie asked if each parcel would have its own point of access. Mr. Plant stated yes, that even the middle lot would not be land-locked due to shared access road off of Sohn Alloway Rd. Mr. Baker and Mr. Guthrie shared concern with the use of farm land. Further comments from the staff included:

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 system design/materials, fencing, berms, landscaping, etc.,
2. it should be confirmed that the solar panels will not produce a glare (possibly impacting neighboring property owners, motorists, etc.),
3. a photovoltaic system decommissioning plan and operation and maintenance plan should be intact,
4. the access driveway should have sight distances available that meet AASHTO (American Association of State Highway and Transportation Officials) recommendations,
5. all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes, NYS Department of Environmental Conservation – Phase II stormwater management and erosion and sediment control regulations, NYS Department of Agriculture and Markets - “Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands (Revision 10/18/2019)”, NYS Office of Parks, Recreation and Historic Preservation/SHPO, US Army Corps of Engineers and US Fish and Wildlife Service regulations),
6. the property owner(s)/applicant should be aware that portions of the parcel may contain (or be near) National wetland area (approximate mapping available online at <https://gisservices.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations and
7. future plans (if any) for the total acreage should be considered.

For additional reference, the following are items that the Board feels could be considered when reviewing PV system applications (Source: NYS Department of State, Division of Local Government Services, “Solar Energy Regulation” presentation):

**Compatibility with neighborhood character:**

1. Do not negatively impact adjacent uses
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  - a. For example, potential impact includes glare or reflection, which might be nuisance to other property owner or impair visibility of motor vehicle drivers
3. Use sensitivity especially in areas containing unique architectural styles or historic structures

**Review elements:**

1. Access to solar energy

2. Casting shadows
3. Blocking view sheds
4. Causing glare
5. Rain run-off

**Decommissioning provisions:**

- Some municipalities address abandonment, decommissioning or “cessation of activity” within their regulations
- For example, “Must ensure site will be restored to useful, nonhazardous condition, including completion time frame for complete removal of collectors, mounts and other associated equipment and facilities”
- Some require decommissioning plans, especially for commercial scale projects

Also for reference, the Board is seeking additional information to help them assess/consider the relationship between items such as agricultural and farmland protection efforts, NYS clean energy goals, comprehensive plans/local zoning regulations and details regarding proposed photovoltaic (PV) system development. Since late 2016, the WCPB has now reviewed over eighteen (18) similarly sized PV systems (2-4 megawatt AC) from municipalities across the county. At least 14 of the applications appear to have been approved locally and 8 of those 14 systems have been constructed: combining for a total of approximately 125 acres of “solar acreage”. All 18 applications would be comprised of approximately 265 acres of solar development area if approved. In their review, the Board has noticed that several, but not all, of the proposals were for systems that would be sited on active farmland. They understand some municipalities, such as Lyons, potentially permit solar developments on farmland, but they are still interested in continuing to explore development options that would help minimize farmland impacts. As a note, both the NYS Department of Agriculture and Markets as well as the American Farmland Trust offer guidance documents regarding ways to protect farmland while permitting solar development.

Again for reference, the US Census Bureau indicates that the county is comprised of approximately 603.83 acres of land, which converts to 386,451.2 acres. In regard to farmland, data indicates that over approximately 67% of the total soil in Wayne County can be classified in one of the following USDA soil categories: “**prime**” - approximately **165,030 acres** countywide, “**prime if drained**” - approximately **46,981 acres** countywide and/or of “**statewide importance**” - approximately **53,419 acres** countywide (Wayne County RPTS tax parcel boundaries and USDA Soil Survey).

Given discussion with PV system developers, there are site-specific design requirements and therefore certain parcels/sites have attributes that are better suited for development than others. Attributes that have been referenced include, but are not necessarily limited to proximity to three-phase electric power as well as utility company substations. The substations then need to have the capacity to handle the generated power. Reportedly, an agency such as NYSERDA, and possibly the applicable utility company, may be able to offer guidance regarding where PV systems can “tie into the grid”. If so, it could be beneficial to contact a representative from NYSERDA and/or NYSEG / RG&E to help determine where PV systems are feasible in the town and ultimately determine how much acreage/farmland will potentially be used for PV development.

For reference, the NYS Department of State has a useful reference document available, “**Zoning Board of Appeals**”, on their website @ <https://dos.ny.gov/system/files/documents/2021/09/zoning-board-appeals-.pdf> Details regarding each of the variance “hardship rules/test” can be found in this document.

A motion was made to recommend approval of the requested Subdivision with comments and return to the town. **Motion** – Mr. Guthrie, **Second** – Mr. Ruth, Chairman requested roll call vote. **Ayes** – 8, **Opposed** – 1, **Abstention** – none. **Motion carried. Action** – to recommend approval with comments.

**Project: Town of Lyons - Noah Mast Sawmill**  
 Address: 2486 Bastian Rd  
 Tax Map Ref. No. : 70112-00-680874  
 Type of Action: Area Variances and Special Permit

Mr. DeRoo explained the project as an area variance for setback of barn building less than required footage from road and from nearby residence with special permit to operate sawmill business in the building. Mr. DeRoo reported comments received focused on potential truck traffic and noise impact, plus incompatible land use. The

applicant, Mr. Mast, was at the meeting by phone and explained that the sawmill was a portable mill being used to create lumber for apple bins. He also used the mill to cut logs for timber to build the building. Mr. Mast stated that there would be a couple truckloads per week at the most. Mr. Guthrie asked if the mill was inside or out and asked for aerial map to be shown indicating location of the proposed building. Mr. Mast stated the mill was inside the building that has already been built for this purpose. Area variance was noted as 85' setback compared to 200' requirement. Mr. Baker stated this was also a commercial venture in an Ag district. Mr. Guthrie stated that the building is already non-conforming and was out of place for county board review. Staff comments also included the following:

- 1) the hardship criteria (rules/test) that are required to grant the area variances must be substantiated at the local level,
- 2) the minimum variances necessary should be considered,
- 3) 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, etc.,
- 4) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed development remain compatible with surrounding land uses (i.e. mitigate aesthetic, noise and dust impacts – use fencing/berms to help reduce noise impacts from use of equipment, pave driveway to reduce dust impacts, etc.),
- 5) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations) and on-site traffic circulation. Proposed on-site traffic circulation, driveway location(s), building area and associated parking areas should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to Bastian Road, and no on-site development should impede available sight distances,
- 6) outside storage should be limited and screened (e.g. items in disrepair should not be permitted to accumulate),
- 7) all necessary local, federal and state regulations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes) and
- 8) the applicant(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area (approximate mapping available online at <http://www.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

For reference, the NYS Department of State has a useful reference document available, “**Zoning Board of Appeals**”, on their website @ <https://dos.ny.gov/system/files/documents/2021/09/zoning-board-appeals-.pdf>  
Details regarding each of the variance “hardship rules/test” can be found in this document.

A motion was made to recommend Disapproval of the requested variance and permit with comments and return to the town. **Motion** – Mr. Guthrie, **Second** – Mr. Ruth, Chairman requested roll call vote. **Ayes** – 9, **Opposed** – 0, **Abstention** – none. **Motion carried. Action** – to recommend Disapproval with comments.

**Project: Town of Macedon - Quicklee’s Convenience**

Address: 240-R Route 31

Tax Map Ref. No.: 61111-00-026609

Type of Action: Preliminary/Final Site Plan

Applicant was represented in the meeting by Don Lewis of Marathon Engineering. Mr. Lewis explained that the applicant owns many of these types of convenience developments around the region, including few in Wayne County. This project is a 4000 sf convenience store with drive through food tenant, 5 island gas canopy, and car wash on new parcel across from Lowe’s on Rt. 31 where a townhouse project was recently approved by the town. He explained that a commercial tenant on this front lot triggered a phase 2 traffic study which warranted a traffic light installation at Rt 31, correlating with the new access road into the new development which would also serve this project. Landscaping and site plan drawings were provided for review. Mr. Guthrie was concerned about the total amount of new traffic. Mr. Lewis explained that DOT was in agreement that a traffic light was warranted. Staff comments included the following:

- 1) All applicable NYS Department of Transportation approvals/recommendations must be obtained/followed (e.g. a driveway work permit should be obtained, no development should take place in the highway right-of-way, there should be no need for parking on the shoulder of NYS Rt. 31 or the internal roadway, highway design/maintenance provisions should be met, etc.),

- 2) Traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations) and on-site traffic circulation. Proposed on-site traffic circulation, driveway location(s), building area and associated parking areas should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to NYS Rt. 31 and the internal roadway, and no on-site development should impede available sight distances,
- 3) Development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing (from all applicable directions) through use of items such as property maintenance and building design/materials, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled NYS Rt. 31 Erie Canalway National Heritage Corridor) and near existing/proposed residential uses,
- 4) Screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed commercial development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent residential uses),
- 5) Emergency service vehicle access should be provided and local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire),
- 6) Snow maintenance/removal plans should be considered,
- 7) outside storage should be limited and screened (e.g. items in disrepair should not be permitted to accumulate and refuse should be kept from excessive odor),
- 8) Any/all toxic/hazardous materials should be properly stored, handled and disposed of,
- 9) Security measures should be intact (e.g. the site should be lighted),
- 10) Development must meet all local, federal and state (e.g. NYS Department of Health – water and sanitary sewer, NYS Department of Environmental Conservation-Phase II Stormwater Management and Erosion and Sediment Control Plans and Petroleum Bulk Storage Regulations as well as NYS Uniform Fire Prevention and Building Codes) codes/regulations,
- 11) All necessary easements (“cross-lot” included) should be in place to ensure that the development maintains function and compatibility (e.g. access/driveway, parking, stormwater management, water, sewer, etc. easements),
- 12) Future plans (if any) for the total acreage should be considered and
- 13) The property owner(s) should be aware that portions of the parcel appear to contain (or be near) both NYS Department of Environmental Conservation and National wetland areas (approximate mapping available online at <https://gisservices.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

A motion was made to recommend that this request would have *no inter-municipal or countywide impact (NCI)* but to include comments as noted, and return to the town.

**Motion** – Mr. Ruth, **Second** – Mr. Peters, Chairman requested roll call vote. **Ayes** – 7, **Opposed** – 1,

**Abstention** – 1. **Motion DID NOT carry. No further Motion was made.**

**Action** – to return the referral to the town with results and comments.

**Project: Town of Ontario - Circuit Demon LLC**

Address: 70 Ridge Rd.

Tax Map Ref. No.: 60117-12-922513

Type of Action: Special Permit

Jeff Foster, the applicant, and Jonathon Olivia, the property owner, were at the meeting to describe this project to utilize the former Union Hill Fire Dept building which underwent rehab in 2019. This application is for an existing business called Circuit Demon to move from Fairport. Mr. Foster explained this as a niche business that provides products to retrofit car lighting detail in older cars and replaces LED headlights in new cars. He stated it is primarily an online business but he is applying for commercial use for the occasional install job. Mr. Olivia explained the shared parking at the location which has 42 spots with the restaurant across the street, which he also owns, and said there are plans for a pedestrian marked cross walk. Circuit Demon would have designated parking spots from 9am – 5pm. Staff comments also included the following:

- 1) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building areas, parking areas, driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations)

- and on-site traffic circulation. Proposed on-site traffic circulation, building areas and associated parking/storage areas should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to Ridge Road and Countyline Road,
- 2) development should be done in a manner that keeps it compatible with surrounding land uses and is also aesthetically pleasing through use of items such as property maintenance, landscaping, etc.,
  - 3) all necessary local, federal and state recommendations/regulations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes),
  - 4) local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, law enforcement and fire),
  - 5) outside storage should be “limited” (e.g. items in disrepair should not be permitted to accumulate),
  - 6) all toxic/hazardous materials that may be associated with any on-site business (if applicable) should be properly stored, handled and disposed of,
  - 7) future plans (if any) for the total acreage should be considered and,
  - 8) all necessary “cross-lot easements“ should be in place, if applicable, to ensure that existing and potential future developments can maintain their function and compatibility (e.g. ingress/egress - access/driveway, parking, utility, etc. easements).

A motion was made to recommend approval of the special permit with comments and return to the town. **Motion** – Mr. Ruth, **Second** – Mr. Peters, Chairman requested roll call vote. **Ayes** – 9, **Opposed** – none, **Abstention** – none. **Motion carried. Action** – to recommend approval with comments.

**Project: Town of Ontario - Optimax, Phase 3**

Address: 6367 Dean Parkway

Tax Map Ref. No.: 61117-00-168798

Type of Action: Prelim/Final Subdivision & Prelim/Final Site Plan

Applicant representative, Felix Radesi, and BME Associate Linc Swedrock were at the meeting to explain the project which seeks to consolidate four adjacent tax parcels and construct a 100,000 sf building for expanded manufacturing. The construction would be done in phases. Site plan shows access around the building on all sides, future employee parking, utilities being extended internally from existing building, onsite stormwater (SWPPP) treatment, landscaping, and lighting. Mr. Swedrock noted that the town has hired a traffic consultant to review traffic flow from Rt. 104 onto Dean Parkway. Mr. Felix noted that a new addition built two years ago is already full and the continued business growth requires another expansion. The three phase expansion will see expected employment to grow from 350 to 405 in 5 years. Mr. Peters asked if all the buildings are connected so employees don't have to go outside. Mr. Swedrock confirmed this is in the plan. Staff comments also included the following:

- 1) proposed 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, property maintenance, etc., particularly given that the parcel has access to Timothy Lane and is near the highly traveled NYS Rt. 104 corridor,
- 2) screening (e.g. fence, berm, landscaping, etc.) should be considered/used to help the proposed development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent land uses - if applicable),
- 3) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations) and on-site traffic circulation. Proposed on-site traffic circulation, building area, associated parking area(s) and development plans should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to Dean and David Parkway,
- 4) emergency service vehicle access should be planned and provided for, including driveway design that meets NYS Uniform Fire Prevention and Building Codes (if applicable), and local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, fire, and law enforcement),
- 5) all necessary “cross-lot easements“ should be in place to ensure that applicable existing and potential future development(s) can maintain their function and compatibility (e.g. access/driveway, parking, stormwater management, utility, etc. easements),
- 6) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses - if applicable),

- 7) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 8) any toxic/hazardous materials should be properly stored, handled and disposed of,
- 9) development, including water and wastewater treatment/sanitary service, must meet all local, federal and NYS codes/regulations (Department of Environmental Conservation - Phase II Stormwater Management and Erosion and Sediment Control regulations and other applicable regulations, Department of Health, Uniform Fire Prevention and Building Codes, etc.),
- 10) future plans (if any) for the total acreage should be considered and
- 11) proposed development should take applicable “well-considered” and/or master planning efforts/recommendations into account (e.g. “Commerce Center Master Plan”).

A motion was made to recommend approval of the project with comments and return to the town.  
**Motion** – Mr. Peters, **Second** – Mr. Bartels, Chairman requested roll call vote. **Ayes** – 9, **Opposed** – none, **Abstention** – none. **Motion carried. Action** – to recommend approval with comments.

**Project: Town of Rose - Goossen Business**

Address: 4743 Lasher Rd

Tax Map Ref. No.: 75116-00-373027

Type of Action: Use Variance

Applicant, Rob Goossen, was at the meeting to explain the business use variance for a roll over container storage area on his own 56-acre property. The area designated for a gravel pad to be created for this use would be secluded from neighbors which are few and over 500’ away, and the topsoil would be used to create a berm on the road frontage side of the pad. Mr. Baker asked how many containers would be stored at any one time and commented that it would be unsightly from the road. Mr. Goossen stated that it depends on market demand but the pad will be able to hold approximately 50 containers, depending on the size, from 10-yds to 40-yds. Mr. Goossen explained that containers are used for construction and demolition debris as well as some household waste but no hazardous material. They would be clean and empty when stored on the property. Waste would be transported to local landfills for disposal. Staff comments included the following:

- 1) the hardship criteria (rules/test) that are required to grant the use variance must be substantiated at the local level,
- 2) the minimum variances necessary should be considered,
- 3) the Town may wish to review applicable regulations to determine if they still meet intended objectives should there be repeated requests for similar variances,
- 4) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations) and on-site traffic circulation. Proposed on-site traffic circulation, driveway location, and associated parking area should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to Lasher Road and no on-site activity/development should impede available sight distances,
- 5) a driveway permit should be obtained from the Wayne County Highway Department for the proposed driveway,
- 6) 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 site layout, property maintenance, materials, fencing, berms, landscaping, etc.,
- 7) outside storage should be limited and screened (e.g. items in disrepair should not be permitted to accumulate),
- 8) all necessary local, federal and state regulations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes, NYS DEC) and
- 9) the property owner(s) should be aware that portions of the parcel appear to contain (or be near) both NYS Department of Environmental Conservation and National wetland areas (approximate mapping available online at <https://gisservices.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

For reference, the NYS Department of State has a useful reference document available, “**Zoning Board of Appeals**”, on their website @ <https://dos.ny.gov/system/files/documents/2021/09/zoning-board-appeals-.pdf>  
 Details regarding each of the variance “hardship rules/test” can be found in this document.

A motion was made to recommend approval of the use variance with comments as noted, and return to the town.  
**Motion** – Mr. Conklin, **Second** – Mr. Thorn, Chairman requested roll call vote. **Ayes** – 7, **Opposed** – 1,  
**Abstention** – 1. **Motion DID NOT carry. No further Motion was made.**  
**Action** – to return the referral to the town with results and comments.

**Project: Town of Rose - Divelbliss Hill Climbers**

Address: 4500 Route 14

Tax Map Ref. No.: 74115-00-176411

Type of Action: Special Permit

Applicant, Shane Divelbliss, was at the meeting to explain the project event to take place behind the building formerly known as Barbara Jeans Furniture. Mr. Divelbliss stated that this property was used for this type of special event, a dirt bike hill climb, some 20 years ago. The owner has given permission for the event. Mr. Divelbliss confirmed that an ambulance crew will be onsite during the event and that no alcohol was being served by the event promoters. Mr. Krolak asked what the expected attendance could be, what time it would run, and whether overnight camping was allowed. Mr. Divelbliss said he expects 50-80 visitors with spectators. The event would be from 9am until the races were done and no overnight camping was being allowed. Food would be available through local groups. He stated the event would be 1000' or more from the road, behind the buildings. Staff comments included the following:

- 1) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway locations, building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations) and on-site traffic circulation. Proposed on-site traffic circulation, driveway locations, building area, display area – if applicable, and associated parking areas should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to NYS Rt. 414 and no on-site development should impede available sight distances,
- 2) emergency service vehicle access should be provided for and emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, fire and law enforcement),
- 3) the total number of available/required parking spaces should be confirmed,
- 4) painted striping should be added/used on the site to clearly identify parking areas/stalls and desired traffic flow. All parking should be on-site (i.e. there should be no need to park in the NYS DOT right of way) and fire lanes should remain open,
- 5) development should proceed in a manner that keeps it compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building and property maintenance, screening (e.g. fencing and berms) landscaping, etc., particularly given that the parcel is located on the highly traveled NYS Route 414,
- 6) security measures should be intact (e.g. the site should be lighted),
- 7) outside storage should be limited, particularly items in poor repair (if ever applicable),
- 8) “operational noises” should be mitigated (i.e. noise generated by proposed business activity, such as auto repair work, should not impact nearby land uses),
- 9) toxic/hazardous materials should be properly stored, handled and disposed of (if ever applicable) and
- 10) all necessary local and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes and NYS Department of Health regulations - building and sanitary sewer related).

A motion was made to recommend that this request would have *no inter-municipal or countywide impact (NCI)* but to include comments as noted, and return to the town.

**Motion** – Mr. Baker, **Second** – Mr. Ruth, Chairman requested roll call vote. **Ayes** – 8, **Opposed** – none,  
**Abstention** – 1. **Motion carried. Action** – to recommend NCI with comments.

**OTHER BUSINESS** –

Mr. DeRoo reported some statistics that were requested by board members regarding solar projects in the county, not including those heard at this meeting. The county has seen 18 solar applications for 2-4 MW developments totally 265 acres of land. Only 14 have been approved (10 are on PILOT with IDA) and 8 are constructed for a total

of 125 acres. Farmland census showed approximately 165,000 acres of farmland in the county out of total 386,450 acres. Mr. Guthrie stated that landowners are the only ones who can slow the growth of solar development in the county by denying use of land. Mr. Pincelli noted that a typical solar lease is 30 years with the utility company even though panels have 25 year lifespan. Projects are designed to use the maximum life of panels but technology will catch up, with panel improvements and production. There is a proposal at the state level to charge more fees to solar developers if they use prime farmland soil types.

The next meeting is set to be held on the last Wednesday in the month of February (February 23, 2022). Hearing no other business, Chairman Milliman asked for motion to adjourn. Motion – Mr. Bartels, Second – Mr. Conklin. All members were in favor. Meeting adjourned at 9:31 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Deborah Hall". The signature is written in a cursive, flowing style.

Deborah Hall, Senior Clerk, Planning Dept.