

WAYNE COUNTY PLANNING BOARD

MINUTES - DRAFT

February 23, 2022

A meeting of the Wayne County Planning Board was held in person at 26 Church St., Lyons, NY. Chairman Bob Milliman called the meeting to order at 7:02 p.m. and proceeded with a call to join in the Pledge of Allegiance.

Members in attendance were Ron Baker (Sodus), Robert Burns (Marion), Bob Hutteman (Arcadia), Kenneth Conklin (Ontario), Steve Guthrie (Rose), Matt Krolak (Palmyra), Bob Milliman (Wolcott), and Ron Thorn (Galen). These eight (8) members represented the minimum attendance for quorum of the Board. Larry Ruth (Walworth), Bert Peters (Williamson), Mert Bartels (Macedon), and Larry Lockwood (Huron) were absent. There are three (3) vacancies on the 15-member board. County staff in attendance were Bret DeRoo, Senior Planner; Thomas Lyon, Planner; and Deb Hall, assistant secretary/clerk to the board. There were 8 members of the public in attendance, representing five of the applications on the agenda for review.

Chairman Milliman welcomed guests and members and then asked the secretary to read the guidelines on meeting recommendations and public comment. Ms. Hall made a note that due to minimum number of members, if any member abstains from a vote, the motion will not pass. Each member then introduced themselves.

MINUTES Chairman Milliman asked if there were any changes or comments to the previous meeting minutes. Hearing none, he made a motion to accept the minutes from the January 2022 meeting, with a second from Mr. Conklin. The minutes were approved unanimously.

ZONING AND SUBDIVISION REFERRALS

Chairman Milliman 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 stated for the record that there were three (3) referrals slated for NCI determination and asked if any of the guests representing these referrals wished to address the board. No one accepted. The three applications were as follows:

Project: Town of Palmyra – Stevenson Business

Address: 3329 Rt. 21 N

Tax Map Ref. No.: 65113-00-490970

Type of Action: Use Variance

Project: Town of Williamson – 5591 Rt. 21 Subdivision

Address: 5591 Rt. 21

Tax Map Ref. No. : 65116-00-695755

Type of Action: Final Subdivision

Project: Town of Williamson – 3-lot Lake Rd. Subdivision

Address: 4898, 4908, 4922 Lake Rd.

Tax Map Ref. No. : 69119-00-975657, 69119-00-973598, 69119-00-939588

Type of Action: Final Subdivision

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. Guthrie, **Second** – Mr. Hutteman. Chairman Milliman requested voice vote. **Ayes** – 8, **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 Chairman then asked for the following three (3) projects to be presented separately by Mr. DeRoo for full Board review and discussion.

Project: Town of Huron – Graybill Subdivision

Address: Lake Bluff Rd. and Anchors Way

Tax Map Ref. No. : 72117-00-977883

Type of Action: Preliminary / Final Subdivision

This was presented as a 13-lot re-subdivide of a 92 acre lot where 6 of the new lots would present driveways onto Lake Bluff Rd. The remaining lots would present driveways to Anchors Way, an access drive that currently serves lake front properties previously subdivided from this lot. Mr. Bob Lannon was in attendance to represent this application and confirmed that driveways will enter Lake Bluff but did not confirm locations as the approximately 2-acres lots have not yet been sold for development. Mr. Hutteman asked if Anchors Way was to remain a dead-end and, if so, recommended that there be consideration for emergency vehicle and snow plow turn-around access. When asked about the vacant land between lots, Mr. Lannon further explained that the center of the main lot (an area of 21 acres) around which new lots will be located, will remain undeveloped and in the possession of the waterfront properties for future use. He noted that the original site plan for this project had 24 lots and now it is down to 13 with bigger lots. Mr. Guthrie asked about the adjacent Catchpole Rd, to the north, which is not a dedicated road and is owned by the developer. Mr. Lannon said the Marina and the residents are allowed to use this road and the 40 acres further north is still vacant.

Comments to consider from staff and preview meeting included the following:

- 1) the proposed lots should be configured with enough area for each lot to contain an existing and/or construct a new wastewater treatment system (or connection to municipal sewer) that will meet local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 2) the proposed lots should be configured with enough area for each lot to have a driveway that meets AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) driveway permits will be need to be obtained from the Wayne County Highway Department (Department of Public Works) for driveways that access Lake Bluff Road,
- 4) future plans for the total acreage should be considered (if any),
- 5) all applicable/necessary easements (“cross-lot” included) should be in place to ensure that the development/subdivision maintains function and compatibility (e.g. access/driveway, parking, stormwater management, utility, etc. easements),
- 6) development, including water and wastewater treatment/sanitary service, and driveway design that includes provision for emergency service vehicle access (if applicable) must meet all local, federal and NYS codes/regulations (e.g. Department of Health, Uniform Fire Prevention and Building Codes, Department of Environmental Conservation - Phase II Stormwater Management and Erosion and Sediment Control regulations),
- 7) emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, law enforcement and fire),
- 8) 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 building design/materials, property maintenance, fencing, berms, landscaping, etc. 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/>) as well as FEMA flood zone area (approximate mapping available online at <https://msc.fema.gov/portal>) and any planning/development should be done in accordance with applicable regulations.

A motion was made to recommend approval of the subdivision application with comments and return to the town. **Motion** – Mr. Guthrie, **Second** – Mr. Conklin, Chairman requested voice vote. **Ayes** – 8, **Opposed** – None, **Abstention** – None. **Motion carried. Action** – Recommend approval with comments.

Project: Town of Palmyra – Smith Business

Address: Dunn Rd.

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

Type of Action: Use Variance

This was presented by Mr. DeRoo as a 5-acre lot on the east side of Rt. 21 N, across from the commercial RV retailer storage lot. The parcel is zoned Ag/Res and is currently vacant. Mr. Zack Smith was in attendance, representing the application. He provided a hand-drawn site plan showing the proposed location of a new building, leach/septic and driveway. He noted that the neighbor to the south has the closest structure which is a barn. Mr. Hutteman noted the steep topography and site lines along that stretch of road and asked if the proposed driveway was approved by the State Dept of Transportation. Mr. Smith said that it has been approved.

Other comments to consider from staff and preview meeting included the following:

- 1) the hardship criteria (rules/test) that are required to grant the use variance must be substantiated at the local level and
- 2) the minimum variance necessary/adequate should be considered.

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 use variance “hardship rules/test” can be found in this document.

As a potential “commercial property,” the following comments are being provided for reference should the use variance be approved at the local level:

- 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 and associated parking areas should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items and no on-site development should impede available sight distances,
- 2) all applicable NYS Department of Transportation permits/recommendations must be obtained/followed (e.g. no development should take place in the NYS Department of Transportation right-of-way, there should be no parking on the shoulder of NYS Rt. 21, etc.),
- 3) snow maintenance/removal plans should be considered,
- 4) 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 building design/materials, property maintenance, fencing, berms, landscaping, etc.,
- 5) screening (e.g. fence, berm, landscaping, etc.) should be considered to help the proposed development remain compatible with surrounding land uses (if applicable),
- 6) “operational noises” should be mitigated (i.e. noise generated by proposed business activity, such as auto repair work, should not impact nearby land uses),
- 7) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 8) all toxic/hazardous materials that may be associated with any on-site activity should be properly stored, handled and disposed of (if applicable) 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/>) as well as FEMA flood zone area (approximate mapping available online at <https://msc.fema.gov/portal>) and any planning/development should be done in accordance with applicable regulations.

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. Baker. Chairman requested voice vote. **Ayes** – 7, **Opposed** – None,

Abstention – 1. **Motion NOT carried. Action** – Return to town with noted recommendations and comments although no formal approval of the application could be obtained.

Project: Town of Rose – Jay & Melissa Eygnor

Address: Wayne Center Rd

Tax Map Ref. No. : 72114-00-600999

Type of Action: Area Variance(s)

Mr. DeRoo introduced the application as requesting two area variances for a new build horse barn and residential pad. The parcel is zoned Ag and due to the front portion of the lot being narrow and the back having a steep slope, the variances are for the horse barn to be in front of the primary structure and closer than required 80' setback to the road. Mr. Jay Eygnor was in attendance to represent the application and explained that the lot is currently vacant and the preexisting slab closer to the road is not ideal for placement of the home. The house will be a doublewide manufactured home and the pasture will be behind the house, where the slope drops dramatically. Mr. Conklin asked about the character of the neighborhood, and whether other parcels had barns/shops in front of their homes. Mr. Eygnor stated that other nearby parcels did in fact have this building arrangement. Mr. Krolak asked for clarification on the height of the barn. Mr. Eygnor stated it would be 16' to the eaves plus additional height to the peak but due to elevation changes from the road toward the back of the lot, the sight line from the road would be level with the height of the eaves. He also noted that the lot configuration would not likely negatively affect resale values. Other comments to consider from staff and preview meeting included the following:

- 1) the hardship criteria (rules/test) that are required to grant the area variances must be substantiated at the local level and
- 2) the minimum variances necessary should be considered.

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>.

The following are additional comments to consider should the area variance be approved at the municipal level:

- 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, fencing, berms, landscaping, etc.. Placement of the barn, manure storage and fenced areas, as well as the number of large animals, should be done with consideration given to both the applicants' intended use as well as compatibility with, local zoning and surrounding land uses,
- 2) horse care guidelines from a source such as the Humane Society of the United States, available online at <https://www.humanesociety.org/resources/horse-care-guidelines> should be considered,
- 3) all necessary local, federal and state recommendations/regulations and approvals/permits must be obtained/complied with (e.g. NYS Uniform Fire Prevention and Building Codes, NYS Department of Health - wastewater treatment and water supply systems, etc.),
- 4) the driveway should have sight distances available that meet AASHTO (American Association of State Highway and Transportation Officials) recommendations and should include provision for emergency service vehicle access, if applicable, per local and/or NYS Uniform Fire Prevention and Building Code requirements,
- 5) local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire) and
- 6) the property owner(s) should be aware that portions of the parcel may contain (or be near) National and NYS Department of Environmental Conservation wetland areas (approximate mapping is available for both online at <http://www.dec.ny.gov/gis/erm/>) as well as FEMA flood zone area (approximate mapping available online at <https://msc.fema.gov/portal>) and any planning/development should be done in accordance with applicable regulations.

A motion was made to recommend approval of the area variances with comments and return to the town. **Motion** – Mr. Hutteman, **Second** – Mr. Krolak, Chairman requested voice vote. **Ayes** – 7, **Opposed** – none, **Abstention** – 1 Mr. Guthrie due to membership on the local planning board. **Motion did NOT carry. Action** – Return to town with noted recommendations and comments although no formal approval of the application could be obtained.

OTHER BUSINESS

Mr. Hutteman request that Mr. DeRoo share with local towns the previously stated statistics that were requested by board members regarding solar projects in the county. As reported at the January meeting, the county has seen 18 (plus additional applications being considered to date) solar applications for 2-4 MW developments totaling 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.

Ms. Hall noted that a “Solar Siting on Farmland” seminar will be presented next week by the American Farmland Trust. Mr. Thorn had forwarded the notice to the County staff and it will be forwarded to members so use as possible training opportunity.

Ms. Hall notified the members that the 2 free home COVID-19 test kits on their desks were supplied by the County.

The next meeting is set to be held on the last Wednesday in the month of March (March 30, 2022). Hearing no other business, Chairman Milliman asked for motion to adjourn. Motion – Mr. Guthrie, Second – Mr. Conklin. All members were in favor. Meeting adjourned at 7:50 p.m.

Respectfully submitted,



Deborah Hall, Senior Clerk, Planning Dept.