

WAYNE COUNTY PLANNING BOARD
MINUTES - DRAFT
March 30, 2022

A meeting of the Wayne County Planning Board was held in person at 9 Pearl St. 2nd floor Conference Room., 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), Ron Thorn (Galen), Bert Peters (Williamson), Mert Bartels (Macedon), and Larry Lockwood (Huron). There were eight (11) members represented, which meets the minimum attendance for quorum of the Board. Larry Ruth (Walworth) was 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 5 members of the public in attendance, representing four of the applications on the agenda for review.

Chairman Milliman welcomed guests and each member then introduced themselves. The secretary addressed administrative issues pertaining to recusal from a board vote citing GML Section 239-c. She asked each member to identify whether they also sat on a local board, and if so, noted that they would be required to abstain from voting or deliberating a project that “is (will be) or has been” the subject of a local proposal.

Ms. Hall announced correspondence from Mr. Burns that he will resign his board position as Marion representative as of April 1 because he is moving to Lyons. Mr. Baker announced that he too was sure this was his last meeting and that the town of Sodus would be appointing another representative. Both were thanked for their service.

MINUTES Chairman Milliman asked if there were any changes or comments to the previous meeting minutes of February 23, 2022. Hearing none, Mr. Hutteman made a motion to accept the minutes from the previous meeting, with a second from Mr. Conklin. The minutes were approved with a vote of 8 ayes and 3 abstentions due to their absence from the previous meeting. Ms. Hall then read the meeting guidelines regarding an application review and recommendations, applicant presentations, and public comment.

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 (4) referrals slated for NCI determination and asked if any of the guests representing these referrals wished to address the board. No one accepted. The four applications were as follows:

Project: Town of Marion – Jackson Subdivision

Address: 4732 Hall Center Rd.
Tax Map Ref. No. : 64115-00-391757
Type of Action: Subdivision

Project: Town of Savannah – New Life Church Sign

Address: 1912 Route 89
Tax Map Ref. No.: 71112-00-300201
Type of Action: Area Variances / Use Variance

Project: Village of Sodus Point – Tunley Pole Barn

Address: 7220 Route 14

Tax Map Ref. No. : 71118-05-065826

Type of Action: Final Site Plan

Project: Village of Sodus Point – Verdine / Terp / Roosa Subdivision

Address: 8425 Sill Shore Rd.

Tax Map Ref. No. : 71118-10-400570

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. Peters, **Second** – Mr. Guthrie. Chairman Milliman requested voice vote. **Ayes** – 11, **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 remaining six (6) projects to be presented separately by Mr. DeRoo for full Board review and discussion.

Project: Village of Newark – Greene & Colacino

Address: NW Corner of Peirson Ave & Wood Lane

Tax Map Ref. No. : 67110-12-975646

Type of Action: Subdivision and Site Plan

This project was presented as a subdivision of one lot into 5 lots at the corner of Peirson and Wood Lane in the Village of Newark, adjacent to the Newark School District properties. One lot would be purchased by Mike Colacino of Newark where he intends to build 6 duplex homes for a managed/rented senior living facility. Mr. Colacino was present at the meeting and discussed his background in development and management of similar facilities in the area. The private access road to this complex would come from Peirson Ave. The lot is currently zoned for multi-family. Each building would be approximately 1800 sq. ft. with each unit at about 850 sq. ft. minimum. Mr. Peters asked if the rest of the subdivided lots would be suitable for expansion. Mr. Colacino will not be the owner of those lots but believed they would be based on his project creating new sewer and water infrastructure. Mr. Guthrie asked if the private drive would allow enough room for emergency vehicle turn around and asked if a second egress to Wood Lane would be provided. Mr. Colacino stated that a curb cut onto Wood Lane was not planned and that the road was 100 ft long with three “driveway” cuts to access each building. He also said he will be installing medical pendant lighting on the exterior of each unit for easier identification of where an emergency call was reported.

Other 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. 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 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 Peirson Avenue. This information could also be useful for emergency service providers to review,

3. emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, law enforcement and fire),
4. consideration should be given to adding a turnaround area to the western end of the “proposed 30’ ingress/egress” easement to help provide for items such as emergency vehicle and snowplow access,
5. future plans for the total acreage should be considered (if any),
6. 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),
7. 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),
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. screening (e.g. fence, berm, landscaping, etc.) should be considered to help the proposed development remain compatible with surrounding land uses.

A motion was made to recommend approval of the subdivision and site plan application with comments and return to the town. **Motion** – Mr. Guthrie, **Second** – Mr. Peters, Chairman requested voice vote. **Ayes** – 11, **Opposed** – None, **Abstention** – None. **Motion carried. Action** – Recommend approval with comments.

Project: Town of Macedon – Amazing Properties

Address: 1936 Route 31

Tax Map Ref. No. : 63111-00-298861

Type of Action: Special Permit

This project is the proposed conversion of a group home into 5 handicap-accessible residential rental units near the new Lakeview Mental Health housing facility. Each unit would be 3-4 bedroom to accommodate care givers and family. Dena Vasquez of Amazing Properties LLC was in attendance to answer questions. Mr. Peters clarified that the entrance driveway is the shared entrance for the new housing facility and the auto parts store. Mr. Guthrie asked about additional parking spots for residents. Ms. Vasquez explained that the driveway is pre-existing and the parking lots will be expanded with striped zones for handicap use plus more spots per unit. She also stated that the cut-through road behind the auto parts store is open and does run through in to the West Wayne shopping plaza parking area. Her goal is to create housing for handicap-accessible independent living.

Other comments to consider from staff and preview meeting 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 remodeling/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: 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 provide safe pedestrian and vehicular interaction between those items as well as access to local roadways,

- 5) all applicable/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 utility, etc. easements),
- 6) all necessary local, federal and state recommendations/regulations and approvals/permits must be followed and/or obtained (e.g. NYS Uniform Fire Prevention and Building Codes, NYS Department of Health),
- 7) 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/>), 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 and
- 8) future plans (if any) for the property should be considered.

A motion was made to recommend approval of the special permit application with comments and return to the town. **Motion** – Mr. Baker, **Second** – Mr. Conklin, Chairman requested voice vote. **Ayes** – 10, **Opposed** – None, **Abstention** – 1. Mr. Bartels due to membership on the local planning board. **Motion carried. Action** – Recommend approval with comments.

Project: Town of Arcadia - Sleight NY Solar Farm

Address: 105 Sleight Rd

Tax Map Ref. No.s : 68111-00-993681; 69111-00-063552; 69111-00-110682

Type of Action: Special Permit and Site Plan

The next project reviewed was for a community solar array on 38 acres of land being developed by Renee Energy. Representative Nick Schupp was in attendance to explain the details of the project and answer questions. He stated that the panels would be moveable panels that “track” the sunlight and reset every 24 hours. He described the fencing and screening plan to accommodate neighbors’ concerns about visual impacts. He also confirmed there would be no battery energy storage on site. There was some discussion and concern about the use of farmland and whether a nearby wooded lot was considered. Mr. Schupp stated to clear cut property adds much cost. Mr. Baker asked how much cement would be used to secure panels in place and how the decommission plan would be affected by the cement used. Mr. Schupp said only two small cement pads would be poured and the racks are post driven. There was concern that the developer could walk away from responsibility of decommission but Mr. Schupp said that is not possible. Mr. Guthrie said there is community impact in the loss of more farmland. Mr. Guthrie wanted it noted in the comments to the Town they need to watch carefully the land use and change of use for ag land in their town to control the loss over time. Mr. Peters asked about land assessment, tax abatement and other benefits to solar developers that would make it very unlikely the land would return to ag use after the life of the project. Other comments to consider from staff and preview meeting 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 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
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

Additional comments related to decommissioning requirements:

- **Term:** A surety bond may be required by the Obligee and may be a decommissioning requirement. A solar system surety bond may be required for multiple years (sometimes up to **20 years or longer**) and ensures finances are available for the removal of the equipment and the restoration of the land.
- **Costs:** Given the potential costs of decommissioning and land reclamation, it is reasonable for landowners and local governments to proactively consider system removal guarantees. A licensed professional engineer, preferably with solar development experience, can estimate decommissioning costs, which vary across the United States. Decommissioning costs will vary depending upon project size, location, and complexity. Estimated costs for decommissioning a 2MW solar panel system are approximately \$100,000 (*Decommissioning Solar Panel Systems-NYSERDA* <https://www.nyserda.ny.gov/solarguidebook>)

Also for reference, the Board is seeking additional information to help them consider and assess 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 twenty-one (21) similarly sized PV systems (2 - 4+ megawatt AC) from municipalities across the county, including 1 on a former municipal landfill. Records indicate that at least 14 of the applications appear to have been approved locally, and 8 of those systems appear to have been constructed, resulting in a total of approximately 126 acres of “solar project

area”. If approved and built, the 21 applications would comprise approximately 402 acres of solar project area, which includes 25 acres of project area in a former municipal landfill.

In their review, the Board has noticed that several, but not all, of the proposals were for siting systems on active farmland. While some municipalities, such as Arcadia, potentially permit solar developments on farmland, the Board is 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 (<https://agriculture.ny.gov/>) as well as the American Farmland Trust (<https://farmland.org/>) offer guidance documents regarding ways to protect farmland while permitting solar development.

To offer some perspective, Wayne County Real Property Tax (RPT) records indicate there are approximately 376,783 acres in the county. Combining RPT data with US Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) soils data, approximately 70.4% of the total soils in Wayne County are included in one of the following soil categories:

- “**prime farmland**” - approximately **165,030 acres** - 43.8%
 - “**prime farmland if drained**” - approximately **46,981 acres**– 12.5 % and
 - “**farmland of statewide importance**” - approximately **53,419 acres**– 14.2 % (Wayne County Office of Real Property Tax Service parcel boundaries and USDA Soil Survey).
- The remaining 29.6 % of countywide soil is defined in other categories.

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.

A motion was made to recommend approval of the special permit and site plan with comments and return to the town. **Motion** – Mr. Guthrie, **Second** – Mr. Peters, Chairman requested voice vote. **Ayes** – 8, **Opposed** – 2, **Abstention** – 1 Mr. Hutteman due to membership on the local planning board. **Motion carried. Action** – Return to town with noted recommendation for approval with comments.

Project: Town of Rose – Local Laws #2 and #3

Address: Town of Rose

Tax Map Ref. No.s : N/A

Type of Action: Amendment to Text

Town of Rose is seeking to amend the local Zoning Law to provide for better regulations for review and approval of site plans (Law #2), and minor and major subdivisions (Law #3). Paul Wilson was present as a representative of the Town of Rose. He clarified the desire of the town to review subdivisions before they come to the county clerk, and to avoid landlocked lots and self-created hardships for property owners who subdivide without town review. The board agreed this was a good practice for the town. Other comments for consideration were as follows:

The Town attorney should review and approve the proposed amendments. As the Town progresses with efforts to update the comprehensive plan and supporting codes, the documents and web links at this site <https://web.co.wayne.ny.us/640/Planning-Board-Resources> may contain useful information available from the NYS Department of State, such as Creating the Community you want; Questions for Analysis and Evaluation of Existing Zoning; Zoning and the Comp plan; and Guidebook for local governments.

A motion was made to recommend approval of the referrals for Amendment to Text with comments and return to the town. **Motion for Law #2** – Mr. Hutteman, **Second** – Mr. Krolak, Chairman requested voice vote. **Ayes** – 10, **Opposed** – 0, **Abstention** – 1 Mr. Guthrie due to membership on the local planning board. **Motion carried.**

Motion for Law #3 – Mr. Baker, **Second** – Mr. Bartels, Chariman requested voice vote. **Ayes** – 10, **Opposed** – 0, **Abstention** – 1, Mr. Guthrie due to membership on local planning board.

Action – Return both referrals to town with noted recommendation for approval with comments.

Project: Village of Sodus Point – Sodus Marina RV Park

Address: 7399 Route 14

Tax Map Ref. No.s : 71119-17-030027

Type of Action: Final Site Plan

The project was presented by Mr. DeRoo and no representative was available at the meeting. The application was seeking to add 11 camp sites to an existing seasonal RV Park. Mr. Guthrie asked about the railroad and county right of way that cut across the proposed site and whether railroad or county easements were still intact. No information regarding the easements had come in with the application. Mr. Guthrie suggested that there was not enough information about the easements and the rights associated with further development on the right of way, nor enough details regarding the easement for the board to make a decision. Other comments provided as part of preview included:

- 1) all necessary easements, “cross-lot“ included, should be in place and complied with to ensure that applicable existing and potential future development(s) can maintain their function and compatibility (e.g. access/driveway, street, parking, stormwater management, utility, etc. easements),
- 2) the proposed development should be done in a manner that helps it remain compatible with surrounding land uses and also aesthetically pleasing through use of items such as site design/materials, fencing, berms, landscaping, maintenance, etc., particularly given that the parcel is visible from the highly traveled NYS Rt. 14/Seaway Trail,
- 3) 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.), if applicable,
- 4) dust control measures should be considered, and implemented if necessary, for the stone/gravel access driveway,
- 5) “operational noises” should be mitigated (i.e. noise generated by proposed business activity should not impact nearby land uses), if applicable,
- 6) 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, law enforcement and fire),
- 7) all toxic/hazardous materials that may be associated with any on-site activity should be properly stored, handled and disposed of (if applicable),
- 8) security measures should be intact (e.g. the site should be lighted),
- 9) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 10) all necessary local, federal and state recommendations/regulations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes – a hydrant is shown on the site plan that is near the proposed structure, NYS Department of Health, NYS Department of Environmental Conservation - Stormwater Management and Erosion and Sediment Control, etc.),
- 11) future plans (if any) for the total acreage should be considered,
- 12) the property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland wetland area (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 and

- 13) Sodus Point's Active Transportation Plan (ATP) and associated recommendations should be taken into consideration when reviewing the application (if applicable).

A motion was made to recommend Disapproval of the site plan with comments and return to the town. **Motion** – Mr. Guthrie, **Second** – Mr. Burns, Chairman requested voice vote. **Ayes** – 11, **Opposed** – 0, **Abstention** – 0. **Motion carried. Action** – Return to town with noted recommendation for Disapproval with comments.

OTHER BUSINESS

Mr. Lyon updated the board on projects that are underway at the Planning Dept including County Farmland Protection Plan, Comprehensive Housing Study, Business Park Feasibility Study, Brownfield assessment and clean up programs as a continuation of the derelict properties study, GIS consolidation program, Referral process review for reducing the amount of referrals coming from towns, and upcoming training for Clean Energy programs provided through NYSERDA.

The board members were interested in an update on the tax auction sales and the land bank activities. They were also interested in learning more about PILOT benefits for solar projects and housing opportunities on the east side of the county that could replace mobile homes.

The next meeting is set to be held on the last Wednesday in the month of April (April 27, 2022). Hearing no other business, Chairman Milliman asked for motion to adjourn. Motion – Mr. Hutteman, Second – Mr. Bartels. All members were in favor. Meeting adjourned at 9:02 p.m.

Respectfully submitted,



Deborah Hall, Senior Clerk, Planning Dept.