

WAYNE COUNTY PLANNING BOARD

MINUTES

March 31, 2021

Chairman, Mert Bartels called the March meeting of the Wayne County Planning Board to order at 7:00 p.m. This meeting was held via Zoom video/call conferencing.

Board Present: Ron Baker, Mert Bartels, Rob Burns, Kenneth Conklin, Steve Guthrie, Matt Krolak, Larry Lockwood, Bob Milliman, Bert Peters, Larry Ruth, Ron Thorn, Jim Wedman

Staff: Bret DeRoo, Tracy Lambie, Thomas Lyon, Brian Pincelli

FEBRUARY 2021 MINUTES

Action – Approve

Motion – Mr. Guthrie

Second – Mr. Baker

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

The following 4 referrals were reviewed and determined to be of no intermunicipal or countywide impact:

Action – Return these referrals to the Towns/Villages to be handled as local matters

Motion – Mr. Ruth

Second – Mr. Peters

Opposed –

Abstention –

Motion carried

Morelli Site Plan, 6745 Slocum Road, T. Ontario

Preliminary/Final Site Plan Tax Map Ref. No. 62118-00-171204

Single family home.

Comments:

- 1) 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 - if applicable, etc.),
- 2) the driveway should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) 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.,
- 4) all applicable/necessary easements (“cross-lot” included) should be in place to ensure that the development maintains function and compatibility with surrounding land uses (e.g. access/driveway, parking, stormwater management, utility, etc. easements),
- 5) future plans (if any) for the total acreage should be considered and
- 6) the property owner(s) should be aware that portions of the parcel appear to contain 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.

Randall Peck, 6519 Tuckahoe Road, T. Williamson

Final Subdivision Plan, Tax Map Ref. No. 65117-00-445954

2 lot subdivision.

Comments:

- 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) future plans for the total acreage should be considered (if any),
- 4) 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 - if applicable, etc.),
- 5) 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.,
- 6) all necessary “cross-lot easements“ should be in place to ensure that existing and potential future developments can maintain their function and compatibility (e.g. access/driveway, parking, stormwater management, utility, etc. easements),
- 7) the property owner(s) should be aware that portions of the parcel appear to 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.

Robert VanBell, 7648 Stoney Lonesome Road, T. Williamson

Area Variance, Tax Map Ref. No. 64119-00-833362

Garage in front of primary residence. Robert VanBell was available for questions.

Comments:

- 1) the hardship criteria (rules/test) that are required to grant the area variance must be substantiated at the local level,
- 2) the minimum variance necessary/adequate should be considered,
- 3) 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.,
- 4) screening (e.g. fence, berm, landscaping, etc.) should be considered to help the proposed development remain compatible with surrounding land uses,
- 5) the proposed development must meet applicable local, federal and New York State (e.g. Department of Health, Uniform Fire Prevention and Building Codes) codes/regulations and
- 6) the Town may wish to review applicable regulations to determine if they still meet intended objectives should there be repeated requests for similar variances.

For reference, the NYS Department of State has a useful reference document available, “**Zoning Board of Appeals**”, on their website @ https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf .

Details regarding each of the area variance “hardship rules/test” can be found in this document.

Edward & Paula Priest, 4254 Lake Road, T. Williamson

Final Subdivision Plan, Tax Map Ref. No. 66119-09-142603

2 lot subdivision.

Comments:

- 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) future plans for the total acreage should be considered (if any),
- 4) 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 - if applicable, etc.),
- 5) all necessary “cross-lot easements“ should be in place to ensure that existing and potential future developments can maintain their function and compatibility (e.g. access/driveway, parking, stormwater management, utility, etc. easements),
- 6) 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. – if applicable and
- 7) the property owner(s) should be aware that portions of the parcel appear to 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.

Arcadia Landfill Community Solar, 4070 NYS Route 88 N., T. Arcadia

Special Permit, Tax Map Ref. No. 68114-00-790911

31 acre community solar farm, up to 4 mw ac. William VanAlst of Larsen Engineers presented.

Action – Approve with comments

Motion – Mr. Guthrie

Second – Mr. Krolak

Opposed –

Abstention –

Motion carried

Comments:

- 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 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/>) 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 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

The Board is seeking additional information to help them assess/consider the relationship between items such as details regarding proposed photovoltaic (PV) system development, NYS clean energy goals, comprehensive plans/local zoning regulations and agricultural and farmland protection efforts (with particular consideration given to farmland that is classified as “prime” and/or of “statewide importance”). Since late 2016, the WCPB has now reviewed over ten (10) similarly sized PV systems (2-4 megawatt) from municipalities across the county. In their review, the Board has noticed that several, but not all (including this application), of the proposals were for systems that would be sited on active farmland. They understand some municipalities, such as Arcadia, 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.

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.

Ronald Moses, 4672 S. Creek Road, T. Palmyra

Use Variance, Tax Map Ref. No. 66112-00-656427

Operate tree and wood business in R-2 district. Ronald Moses presented.

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

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

Motion – Mr. Ruth

Second – Mr. Peters

Opposed –

Abstention – Mr. Krolak

Motion carried

Comments:

- 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://www.dos.ny.gov/lg/publications/Zoning Board of Appeals.pdf](https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf).

Details regarding each of the use variance “hardship rules/test” can be found in this document.

Chad Shaffer, 1391 Hammond Road, T. Palmyra

Special Permit, Tax Map Ref. No. 65111-00-442543

Operate home business in R-2 District, Sale of firearms/ammunition. Chad Shaffer presented.

Action – Approve with comments

Motion – Mr. Ruth

Second – Mr. Guthrie

Opposed –

Abstention – Mr. Krolak

Motion carried

Comments:

- 1) the proposed business and associated building area must meet all local, federal and NYS codes/regulations (e.g. FFL-related, NYS Uniform Fire Prevention and Building Codes, NYS Department of Health - if applicable, etc.),
- 2) development should be done in a manner that keeps it compatible with surrounding land uses,
- 3) security measures should be intact (e.g. an alarm system should be operational, guns and ammunition should be kept securely locked, the site should be lighted, etc.),
- 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, building areas 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 Hammond Road and minimize the need for backing out onto the road and
- 5) emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, law enforcement and fire) and the driveway should be designed/constructed to meet emergency vehicle access requirements.

Chester H. Martin, 11060 Valley Drive, T. Rose

Area Variance, Tax Map Ref. No. 74114-00-662746

Proposed barn 50’ from road where 75’ required.

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

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

Motion – Mr. Peters

Second – Mr. Baker

Opposed –

Abstention – Mr. Guthrie

Motion carried

Comments:

- 1) the hardship criteria (rules/test) that are required to grant the area variance must be substantiated at the local level,
- 2) the minimum variance necessary/adequate should be considered,
- 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(s) and associated parking areas (farm equipment included) should be designed/developed in a manner that will provide safe vehicular interaction between those items as well as access to Valley Drive and minimize the need for backing out onto the road,

- 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) the proposed development must meet applicable local, federal and New York State (e.g. Department of Health, Uniform Fire Prevention and Building Codes) codes/regulations,
- 6) the Town may wish to review applicable regulations to determine if they still meet intended objectives should there be repeated requests for similar variances and
- 7) the property owner(s) should also be aware that portions of the “parent parcel” appear to contain (or be near) National wetland area, as well as NYSDEC wetland area (approximate mapping available online <https://gisservices.dec.ny.gov/gis/erm/>) and 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.

For reference, the NYS Department of State has a useful reference document available, “**Zoning Board of Appeals**”, on their website @ https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf.

Details regarding each of the area variance “hardship rules/test” can be found in this document.

Walker Marina, 7430 Route 14, V. Sodus Point
Special Permit, Tax Map Ref. No. 71119-17-181077

Replace/rearrange docks to reopen existing marina under new owner. Daryl Walker presented.

Action – Approve with comments

Motion – Mr. Peters

Second – Mr. Ruth

Opposed –

Abstention – Mr. Baker

Motion carried

Comments:

- 1) development should be done in a manner that helps it remain compatible with surrounding land uses (“protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas”),
- 2) 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.),
- 3) the site should be developed/maintained in an aesthetically pleasing manner (i.e. through use of items such as landscaping, screening, property maintenance etc.) as the parcel is located on the highly traveled NYS Rt. 14,
- 4) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building areas, display 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, display/storage areas 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. 14,
- 5) the scaled plot plan should be updated to delineate features such as parcel boundaries, existing and proposed structure(s), utility infrastructure details (e.g. wastewater system), parking area(s) and driveway location(s), proposed on-site traffic circulation and storage/display areas – some, but not all, of these features were illustrated on the provided plot plan,
- 6) the total number of available/required parking spaces should be confirmed,

- 7) 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,
- 8) 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. 14, etc.),
- 9) 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, street, parking, stormwater management, utility, etc. easements) – if applicable,
- 10) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Department of Health, NYS Uniform Fire Prevention and Building Codes, NYS Department of Environmental Conservation – if applicable),
- 11) 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),
- 12) security measures should be intact (e.g. the site should be lighted),
- 13) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 14) all toxic/hazardous materials that may be associated with any on-site activity should be properly stored, handled and disposed of (if applicable),
- 15) “operational noises” should be mitigated (i.e. noise generated by proposed business activity, such as engine repair work, should not impact nearby land uses if applicable),
- 16) future plans for the total acreage should be considered and
- 17) the property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland area (approximate mapping available online at <http://www.dec.ny.gov/gis/erm/>) and 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.

Walker Liquor Store, 7420 Route 14, V. Sodus Point

Special Permit, Tax Map Ref. No. 71119-17-173072

Add retail liquor store space below rental space in commercial bldg. Daryl Walker presented.

Action – Approve with comments

Motion – Mr. Peters

Second – Mr. Krolak

Opposed –

Abstention – Mr. Baker

Motion carried

Comments:

- 1) development should be done in a manner that helps it remain compatible with surrounding land uses (“protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas”),
- 2) 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.),
- 3) the site should be developed/maintained in an aesthetically pleasing manner (i.e. through use of items such as landscaping, screening, property maintenance etc.) as the parcel is located on the highly traveled NYS Rt. 14,
- 4) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building areas, display 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, display/storage areas 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. 14,
- 5) the scaled plot plan should be updated to delineate features such as parcel boundaries, existing and proposed structure(s), utility infrastructure details (e.g. wastewater system), parking area(s) and driveway

- location(s), proposed on-site traffic circulation and storage/display areas – some, but not all, of these features were illustrated on the provided plot plan,
- 6) the total number of available/required parking spaces should be confirmed,
 - 7) 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,
 - 8) 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. 14, etc.),
 - 9) 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, street, parking, stormwater management, utility, etc. easements) – if applicable,
 - 10) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Department of Health, NYS Uniform Fire Prevention and Building Codes, NYS Department of Environmental Conservation – if applicable),
 - 11) 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),
 - 12) security measures should be intact (e.g. the site should be lighted),
 - 13) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
 - 14) all toxic/hazardous materials that may be associated with any on-site activity should be properly stored, handled and disposed of (if applicable),
 - 15) “operational noises” should be mitigated (i.e. noise generated by proposed business activity, such as engine repair work, should not impact nearby land uses if applicable),
 - 16) future plans for the total acreage should be considered and
 - 17) the property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland area (approximate mapping available online at <http://www.dec.ny.gov/gis/erm/>) and 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.

NY Williamson I, LLC Solar Farm. 5520 Eddy Ridge Road, T. Williamson

Final Site Plan, Tax Map Ref. No. 65116-00-366701

2.338 MVA AC community solar farm. Dan Compitello of Delaware River Solar presented. Dave Plante and Kristen Lemley of Bergmann Associates were also available for questions.

Action – Approve with comments but **motion did not carry**

Motion – Mr. Ruth

Second – Mr. Conklin

Ayes – Mr. Bartels, Mr. Guthrie, Mr. Lockwood, Mr. Milliman, Mr. Wedman

Opposed – Mr. Baker, Mr. Burns, Mr. Krolak, Mr. Thorn

Abstention – Mr. Peters

Motion did not carry

No additional motion was made.

Comments:

- 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 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

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 (with particular consideration given to farmland that is classified as “prime” and/or of “statewide importance”), 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 ten (10) similarly sized PV systems (2-4 megawatt) from municipalities across the county. 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 Williamson, 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.

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.

Preston Landscape and Tree Service, 6519 Tuckahoe Road, T. Williamson

Preliminary/Final Site Plan/Preliminary/Final Subdivision Plan, Tax Map Ref. No. 65117-00-445954

2 lot subdivision, Lot 8 - 2.004 acres with existing mini storage bldgs, Lot 9 - 29.474 acres with existing cell tower and proposed processing operation for landscape mulch. Greg McMahon of McMahon LaRue Associates presented.

Action – Approve with comments

Motion – Mr. Guthrie

Second – Mr. Ruth

Opposed –

Abstention – Mr. Peters

Motion carried

Comments:

- 1) development should be done in a manner that helps it remain compatible with surrounding land uses (“protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas”),
- 2) 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 berms to help reduce noise impacts from use of equipment, pave driveway to reduce dust impacts, etc.),
- 3) the site should be developed/maintained in an aesthetically pleasing manner (i.e. through use of items such as landscaping, screening, property maintenance etc.) as the parcel is located near the highly traveled NYS Rt. 104 and surrounding residential uses,
- 4) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), mulch processing area, 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, display/storage areas 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 Tuckahoe Rd.,
- 5) 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. access/driveway, parking, utility, etc. easements),
- 6) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Department of Health, NYS Uniform Fire Prevention and Building Codes, NYS Department of Environmental Conservation – Mulch processing –related and Phase II stormwater management and erosion and sediment control regulations, remediation site requirements-if applicable, etc.),
- 7) 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),
- 8) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 9) all toxic/hazardous materials that may be associated with any on-site activity should be properly stored, handled and disposed of,
- 10) future plans (if any) for the total acreage should be considered and
- 11) the applicant(s) should be aware that portions of the parcel may contain (or be near) a NYSDEC - noted remediation site and any planning/development should be done in accordance with applicable regulations.

Rod VanDerWater / Popvici, 7835 Eagle Road, T. Wolcott

Special Permit, Tax Map Ref. No. 75119-11-667597

Demolish existing 1-story cottage, construct larger 2-story cottage. Rod VanDerWater presented. Bryan Popovici was also available for questions.

Action – Approve with comments

Motion – Mr. Ruth

Second – Mr. Peters

Opposed –

Abstention – Mr. Milliman

Motion carried

Comments:

- 1) the proposed development should be designed/implemented in a manner so that it will not interfere with adjacent property owner(s) views of Port Bay to the extent possible,
- 2) the proposed wastewater treatment system must meet applicable local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 3) proposed development must meet NYS Uniform Fire Prevention and Building Codes,
- 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, fencing, berms, landscaping etc., and
- 5) the property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland area (approximate mapping available online at <http://www.dec.ny.gov/gis/erm/>) and 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.

Dollar General, 6598 Route 104A, T. Wolcott
Special Permit, Tax Map Ref. No. 78118-00-235005

10,640 sq. ft. retail store.

Action – Approve with comments

Motion – Mr. Guthrie

Second – Mr. Ruth

Opposed –

Abstention –

Motion carried

Due to technical difficulties, Mr. Milliman did not vote

Comments:

Attention should be given to items that are being proposed to help this development be compatible with surrounding land uses and also protect community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas (comments #4 and #5 found below relate to these items). This seems of particular importance given the blend of land uses that are nearby (e.g. residential, commercial, agricultural, etc.). They also continue to consider the potential this proposal could have on how other future development would look in similar Agricultural zones/area within the town. Dollar General may have several building/site design and development options available, ultimately with one that meets the character the town desires.

The following are the comments:

- 1) any/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. 104A, 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. 104A and no on-site development should impede available sight distances,
- 3) 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),
- 4) 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. 104A and near existing residential uses,
- 5) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
 - 6) any/all toxic/hazardous materials should be properly stored, handled and disposed of,
 - 7) 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),
 - 8) snow maintenance/removal plans should be considered,
 - 9) future plans (if any) for the total acreage should be considered,
 - 10) all necessary local, federal and state recommendations/regulations and approvals/permits must be followed/obtained (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 as well as NYS Uniform Fire Prevention and Building Codes, including Liquefied Propane Sales Regulations, etc.) and
 - 11) the applicant(s) should be aware that portions of the parcel may contain (or be near) National wetland area (approximate mapping available online at <https://www.dec.ny.gov/animals/38801.html>) and any planning/development should be done in accordance with applicable regulations.

Other Business:

Mr. Guthrie made a motion to adjourn the meeting, seconded by Mr. Wedman. There being no further business, the meeting was adjourned at 9:10 PM.

Respectfully submitted,
Tracy Lambie, Secretary