

# WAYNE COUNTY PLANNING BOARD

## MINUTES

May 26, 2021

Chairman, Mert Bartels called the May 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, Kenneth Conklin, Steve Guthrie, Matt Krolak, Larry Lockwood, Bob Milliman, Bert Peters, Larry Ruth, Ron Thorn, Jim Wedman. **Ron Thorn joined the meeting at 7:05 pm.**

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

### APRIL 2021 MINUTES

**Action** – Approve

**Motion** – Mr. Ruth

**Second** – Mr. Wedman

**Abstention** –

**Motion carried**

### ZONING AND SUBDIVISION REFERRALS

**The following 3 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. Baker

**Second** – Mr. Conklin

**Opposed** –

**Abstention** – Mr. Guthrie

**Motion carried**

#### **Boston Estates, 480 Boston Road, T. Ontario**

Preliminary/Final Site Plan/Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61118-00-500582

2 lot subdivision, Lot 1 - 74.326 acres (already has Town site plan approval), Lot 2 - 5.001 acres for proposed single family home.

#### **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) 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),
- 5) 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),
- 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. and
- 7) 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

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available online at <https://msc.fema.gov/portal>) and any planning/development should be done in accordance with applicable regulations.

**Creatura Subdivision, 426 Lake Road, T. Ontario**

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61119-00-326217

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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) 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),
- 5) 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,
- 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) 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.

**Dale Carnell, 403 Covell Road, T. Rose**

Area Variance, Tax Map Ref. No. 72114-00-913809

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2 lot subdivision, one conforming lot, one non-conforming lot.

**Comments:**

- 1) the hardship criteria (rules/test) that are required to grant the area variance must be substantiated at the local level and
- 2) the minimum variance 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/2019/05/zoningboardofappeals.pdf>

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

Additional comments to consider should the area variance be approved at the municipal level:

- 1) 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.),

- 2) the driveway(s) 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,
- 3) local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire),
- 4) property use/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 proposed building design/materials, property maintenance, fencing, berms, landscaping, etc.,
- 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) and
- 6) 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.

**Indus Hospitality Group Hotel & Restaurant, 362 Route 31, T. Macedon**

Special Permit/Preliminary/Final Site Plan, Tax Map Ref. No. 61111-00-274731, 61111-00-274709

3-story, 70 room Wyndham Microtel Hotel and Kentucky Fried Chicken with drive thru. Rebecca Spurr of BME presented.

**Action** – Approve with comments

**Motion** – Mr. Guthrie

**Second** – Mr. Ruth

**Opposed** – Mr. Peters

**Abstention** – Mr. Bartels

**Motion carried**

**Comments:**

The Board had questions that were related to the project’s expected “traffic generating characteristics”. They were curious if left turns (westbound traffic) will be permitted from the site to NYS Rt. 31. Additionally they wondered how efficiently larger vehicles, such as buses and tractor-trailers, or emergency apparatus, would navigate the site when considering items such as the driveway widths, turn radii, vehicle size and the overall site layout. Ultimately, it is understood that the NYS Department of Transportation will make the final determination regarding design and use of the NYS Rt. 31 driveway and the project engineer indicated that more on-site traffic analysis could potentially be done to help provide additional details.

The Board also felt that 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 #3 and #4 found below relate to these items). This seems of particular importance given the blend of land uses that are nearby (e.g. residential, commercial etc.). They also continue to consider the potential this proposal could have on how other future development would look in similar General Commercial zones/area within the town. KFC and Wyndham Microtel Hotel may have several building/site design and development options available, ultimately with ones that meet the character the town desires.

The following comments:

- 1) All applicable NYS Department of Transportation and Wayne County Highway Department (Public Works Department) 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 South Wayneport Road, 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 South Wayneport Rd. 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 and South Wayneport Rd. and near existing 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) Security measures should be intact (e.g. the site should be lighted),
- 9) 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 as well as NYS Uniform Fire Prevention and Building Codes) codes/regulations and
- 10) 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).

**Oakridge Glen, 240-R Route 31, T. Macedon**

Amend Map, Tax Map Ref. No. 61111-00-026609

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Re-zone to TPD (Totally Planned Development) for purposes of constructing mixed use development. Matt Tomlinson of Marathon presented.

**Action** – Approve with comments

**Motion** – Mr. Guthrie

**Second** – Mr. Peters

**Opposed** –

**Abstention** – Mr. Bartels, Mr. Ruth

**Motion carried**

**Comments:**

- 1) The proposed rezoning should be undertaken “in accord with a well-considered plan” or “in accordance with a comprehensive plan”, as referenced in the James A. Coon Local Government Technical Series, “**Zoning and the Comprehensive Plan**” (available online @ <https://dos.ny.gov/system/files/documents/2019/05/zoningandthecomprehensiveplan.pdf>,
- 2) The proposed rezoning should meet the criteria/objectives that are required by the Town of Macedon to rezone the proposed area to a Totally Planned Development (TPD),
- 3) The Town should consider how the total proposed development will impact community/public facilities and services (e.g. highway/road, school, water, sewer, stormwater management, public safety/emergency services, etc.) and
- 4) The Town attorney should review and approve the proposed amendments.

For reference, the following documents and web link may contain useful information and are available from the NYS Department of State and NYSERDA on their websites as follows:

1. **“Creating the Community You Want: Municipal Options for Land Use Control” @**  
<https://dos.ny.gov/system/files/documents/2019/05/creatingthecommunityyouwant.pdf>

2. **“Questions for the Analysis and Evaluation of Existing Zoning Regulations” @**  
<https://dos.ny.gov/system/files/documents/2019/05/evaluatingzoning.pdf>

The following are additional comments to consider regarding the proposed development, should the rezoning be approved at the local level (some of these were either addressed in the application materials or at the meeting, but are being included in the letter in an attempt to provide consistent comments regarding similar rezoning/development efforts countywide):

- 1) Local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, fire, law enforcement). The Board understands that development will need to meet applicable local and NYS Uniform Fire Prevention and Building Codes. However, concerns still exist. Several townhome units are cited quite far away from dedicated roads and there appears to be little space for emergency service vehicles to navigate the site, given items such as the width of the private road and proximity of townhomes to the private road. The Board is concerned that emergency vehicle service would not be efficiently provided to the entire development when considering the proposed layout/overall plan and there currently being no confirmed plan for providing another access to a dedicated road, such as Carlson Lane/South Wayneport Road or NYS Rt. 31. A potential emergency access near Wayside Garden Center was discussed, but is also reportedly not yet confirmed.
- 2) The project Traffic Study should be sent to the NYS Department of Transportation for their review any/all applicable NYS Department of Transportation and Wayne County Highway Department (Public Works Department) 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 South Wayneport Road, highway design/maintenance provisions should be met, etc.),
- 3) Connection to Carson Lane is proposed. Additional opportunities for ingress/egress should be considered, particularly on western end of development for alternative emergency and residential access,
- 4) All access drives should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 5) Proposed 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) Screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed development remain compatible with surrounding land uses (e.g. i.e. mitigate visual and noise impacts between this proposal and adjacent land uses),
- 7) The proposed lots should be configured with enough area for each lot to 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,
- 8) Development must meet local, federal and state (e.g. NYS Department of Environmental Conservation-Phase II Stormwater and Erosion and Sediment Control Regulations, NYS Department of Health - wastewater treatment and water supply, DOT, Uniform Fire Prevention and Building Codes, etc.) codes/regulations,
- 9) All necessary easements (“cross-lot easements” included) should be in place to ensure that applicable existing and potential future developments / businesses can maintain their function and compatibility (e.g. access/driveway, water, sewer, stormwater management, parking, utility, etc. easements),
- 10) Future plans (if any) for the total acreage should be considered and
- 11) The property owner(s) should also be aware that portions of the parcel may contain (or be near) both NYS Department of Environmental Conservation and National wetland areas (mapping available online at

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<https://gisservices.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

**MV Storage, LLC, 8606 Ridge Road, T. Sodus**

Area Variance/Use Variance/Special Permit, Tax Map Ref. No. 71116-00-636882

85'x120' boat storage facility and 30'x120' mini storage building. Special permit for mini storage; not within 75' front setback or 50' rear setback, also over existing easement. Boat storage - use variance in ag zone. Mike Lasell presented.

**Action** – Disapprove with comments

**Motion** – Mr. Guthrie

**Second** – Mr. Peters

**Opposed** – Mr. Lockwood

**Abstention** – Mr. Bartels

**Motion carried**

**Comments:**

The Board felt they lacked details regarding overall development plans for this parcel that are needed to help them consider items that are listed in General Municipal Law, Section 239-1.2, as follows:

- a) Compatibility of various land uses with one another;
- b) Traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities;
- c) Impact of proposed land uses on existing and proposed county or state institutional or other uses;
- d) Protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas;
- e) Drainage;
- f) Community facilities;
- g) Official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and
- h) Such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment.

There were specific questions regarding:

- 1) The compatibility this proposal will have with neighboring land uses (e.g. the existing building located at 8604 Ridge Rd. E. - tax id. # 71117-00-621000),
- 2) Details regarding why the existing mini storage was constructed in the current location,
- 3) Driveway details (i.e. why is there a need for a “Proposed Driveway” when there was an “Existing Driveway”, as shown on the “Overall Site Plan”, Revised 05/03/21) and
- 4) Are necessary access easements legally in place that will provide access from Ridge Road, across this parcel, to 8604 Ridge Rd. E. - tax id. # 71117-00-621000.

For reference, the following are comments the Board often offers regarding area variance applications and mini storage applications:

Regarding the **Area variances**:

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

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/2019/05/zoningboardofappeals.pdf>

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

Comments regarding the **Special Use Permit** follow, should the variances be approved at the local 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, property maintenance etc., particularly given that the parcel is located on the highly traveled Ridge Road /Great Lakes Seaway Trail,
- 2) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed commercial development remain compatible with surrounding land uses (e.g. i.e. mitigate visual and noise impacts between this proposal and adjacent land uses),
- 3) 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 Rd.,
- 4) a driveway permit should be obtained from the Wayne County Highway Department (Department of Public Works), for the proposed Ridge Road access if applicable,
- 5) all necessary easements (“cross-lot easements“ included) should formally 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, stormwater/drainage, parking, utility, etc. easements),
- 6) the proposed development must meet applicable local, federal and New York State (e.g. NYS Uniform Fire Prevention and Building Codes – including driveway design/construction, NYS DEC - Phase II stormwater management and erosion and sediment control regulations, etc.) codes/regulations,
- 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 business (if applicable) should be properly stored, handled and disposed of,
- 10) future plans (if any) for the total acreage should be considered and
- 11) the property owner(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area and NYS Department of Environmental Conservation wetland area (approximate mapping available for both online at <https://www.dec.ny.gov/animals/38801.html>) and any planning/development should be done in accordance with applicable regulations.

**Lancaster Wash Station, 8364 Brick Church Road, T. Sodus**

Final Site Plan/Use Variance, Tax Map Ref. No. 71116-00-270612

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Commercial truck tank washing station for food grade trailers. Doug Lancaster presented.

**Action** – Approve with comments

**Motion** – Mr. Guthrie

**Second** – Mr. Lockwood

**Opposed** –

**Abstention** – Mr. Baker

**Motion carried**

**Comments:**

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

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/2019/05/zoningboardofappeals.pdf>

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

The Board recommended approval of the Final Site Plan with comments found below, 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 location(s), building area, 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 Brick Church Rd. and no on-site development should impede available sight distances,
- 2) 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.,
- 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 land uses),
- 4) Outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 5) Any/all toxic/hazardous materials should be properly stored, handled and disposed of,
- 6) “Operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses - if applicable),
- 7) 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),
- 8) 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),
- 9) The proposed development must meet applicable local, federal and New York State (e.g. Department of Health, Department of Environmental Conservation - Phase II stormwater management and erosion and sediment control regulations, Uniform Fire Prevention and Building Codes, etc.) codes/regulations,
- 10) Future plans (if any) for the total acreage should be considered and
- 11) The property owner(s) should be aware that portions of the parcel may contain (or be near) 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.

**Other Business:**

Mr. Wedman made a motion to adjourn the meeting, seconded by Mr Baker. There being no further business, the meeting was adjourned at 8:16 PM.

Respectfully submitted,  
Tracy Lambie, Secretary