

WAYNE COUNTY PLANNING BOARD

MINUTES May 25, 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 7:00 p.m. and proceeded with a call to join in the Pledge of Allegiance.

Members in attendance were Kenneth Conklin (Ontario), Steve Guthrie (Rose), Matt Krolak (Palmyra), Bob Milliman (Wolcott), Ron Thorn (Galen), Bert Peters (Williamson), Mert Bartels (Macedon), Larry Lockwood (Huron), Rob Burns (Lyons), and newest members Dennis Grabb (Sodus) and Chad Mendenhall (Butler). There were eleven (11) members present which meets the minimum attendance for quorum of the Board. Bob Hutteman (Arcadia) was absent. There are three 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 three of the public in attendance: Tim Lochner, Jeannette Lochner, and Ernie Johnson.

Chairman Milliman welcomed attendees and new members of the board and asked for any administrative updates or communication. Ms. Hall asked each new member if they also served on their local town, planning, or zoning boards. Each reported they did, and it was noted so that if a referral were to come in front of this board from their local board, they would be required to abstain from discussion or casting a vote.

MINUTES Chairman Milliman asked if there were any changes or comments to the previous meeting minutes of April 27, 2022. Mr. Guthrie made a motion to accept the minutes from the previous meeting, with a second from Mr. Conklin. The minutes were approved.

ZONING AND SUBDIVISION REFERRALS

Chairman Milliman called for the Board to review 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. Mr. Peters clarified the suggestion for NCI’s as forwarded from the preview committee. Mr. Burns sat in on the preview meeting. Ms. Hall read the statement of actions required by the board. Mr. Milliman stated for the record that there were two (2) referrals suggested for NCI determination as follows:

Project: Town of Walworth – Cherry Subdivision

Address: 227 Route 441

Tax Map Ref. No.: 61114-00-097300

Type of Action: Preliminary / Final Subdivision Plan

Project: Town of Walworth – Calder Subdivision

Address: 3816 West Walworth Rd.

Tax Map Ref. No.: 61114-00-726564

Type of Action: Preliminary / Final Subdivision Plan

A motion was made to recommend that these referrals would have *no inter-municipal or countywide impact (NCI)* and to 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 to the municipality with recommendation as NCI with staff comments.

The Chairman then asked for the remaining four (4) projects to be presented separately by Mr. DeRoo for full Board review and discussion.

Project: Town of Ontario – Johnson Site Plan

Address: 252 David Parkway

Tax Map Ref. No.: 61117-00-146851

Type of Action: Preliminary / Final Site Plan

Mr. DeRoo introduced the project as a proposed addition to an existing building. Mr. Lochner and Mr. Johnson explained that they purchased the building 3 years ago for a drywall business and today hope to use the addition for a light assembly business. There are no variances requested. Mr. Guthrie pointed out that their property borders some larger companies that have developed much of the land in this David Pkwy / Dean Parkway industrial area. Mr. Lochner said they are friendly with neighboring businesses and see no conflicts of use or development. Mr. Peters expressed the Board's ongoing concern regarding traffic into and out of this highly concentrated area of industrial development that has only one ingress/egress roadway. The board is concerned with traffic congestion at the intersection of Dean Pkwy and Route 104 and the ability for emergency or town vehicles to perform their work. Mr. Lochner stated that the town currently uses their property as a turn-around at the end of the roadway.

Mr. DeRoo reminded the Board that the town has done a traffic study in that area and they are considering a second roadway in the park, accessing County-Townline Rd. Further comments to be included with the correspondence to the town are a reminder that the Wayne County Planning Board has reviewed several site plan applications for proposed development within the business park in the past few years. They would still like to understand overall comprehensive plans for the park to the extent possible. The Board continues to feel that it is important to confirm that items such as, but not necessarily limited to, infrastructure, roadways and emergency services, are planned and designed to meet the demands of existing as well as future proposed uses. They were pleased to be informed and updated that work continues to progress within the Town to help address traffic-related issues and other future park plans. The following comments were also offered for consideration:

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

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

A motion was made to recommend approval of the Site Plan 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 Ontario – Furnace Rd. Townhouses Site Plan

Address: 6321 Furnace Rd.

Tax Map Ref. No.: 63117-10-417711

Type of Action: Preliminary/Final Site Plan

Mr. DeRoo described this project as the development of 17 rental townhomes on 2.25 acres under a permitted use within the commercial industrial zone. The Board expressed concern with traffic accessing the proposed development on Furnace Rd so near to the wide and busy Route 104 intersection. Mr. DeRoo stated that he spoke with town highway about the possibility of a second access road, but they contended that one access road meets Uniform Fire and Safety Code for developments up to 100 units. Many members felt it was strange placement for town homes in this mostly industrial area. Mr. Mendenhall pointed out that the paperwork shows this to be on a DEC wetland but there was no other reference to this within the site plan.

It is anticipated there will be an opportunity to address the above items as the town proceeds with implementation of goals found in their comprehensive plan update and continues to review development plans with the property owner(s).

Additional comments found below were also offered for consideration:

- 1) 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.),
- 2) Traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location, building areas, parking areas, driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations), on-site traffic circulation and provision for emergency service vehicle access. Proposed on-site traffic circulation, driveway location, building areas, associated parking areas, etc. should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to the internal driveway and Furnace Road and no on-site development should impede available sight distances,
- 3) Any/all necessary 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 Furnace Road, highway design/maintenance provisions should be met, etc.). Consideration should be given to the overall traffic impacts this development will have on Furnace Road,
- 4) local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, fire, law enforcement),

- 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) 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,
- 8) 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) and
- 9) future plans (if any) for the total acreage should be considered.

For reference, the bullet items found below contain questions/comments that the board provided regarding another townhome-related application that was recently proposed on the south side of Ridge Road and near the Ontario Town Hall/Library. They are being used again to offer insight into some of the considerations the board has when reviewing similar residential development plans in Ontario.

- They questioned how that proposal compares to the development pattern the town has planned for in this area, particularly when considering items such as existing comprehensive plan recommendations, subdivision and zoning regulations and municipal infrastructure.
- The Board noted the importance of understanding the level of consideration that has been given to the comprehensive impacts this proposal will have regarding items such as compatibility of various land uses with one another, traffic generating characteristics, “protection of community character”, drainage, community facilities, open space preservation and emergency services.

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

Project: Town of Ontario – 2069 Railroad Ave Site Plan/Area Variance

Address: 2069 Railroad Ave.

Tax Map Ref. No.: 63117-06-429753

Type of Action: Area Variance & Preliminary/Final Site Plan

Mr. DeRoo described this project as construction of a new building with 48% lot coverage as well as front and rear yard setback variances. Site plan shows an existing building on the lot as well. Project proposed use is 6,000 sf of commercial flex space with 4 units of 1500 sf each. The board felt there was a need for additional details and information regarding items such as: 1.) all existing on-site uses, 2.) the nature of “flex space”, 3.) parking/on-site traffic circulation provisions, 4.) stormwater management/drainage plans, particularly given all of the potential on-site impervious surface and 5.) construction or property maintenance details related to adjacent property, especially to the rear, being a railroad ROW, such as if these abutting properties are impacted by proposed building setbacks. It would be beneficial to further assess GML-1.2-related considerations.

The following comments are often provided by the board regarding variance applications:

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

- 3) the Town may wish to review applicable regulations to determine if they still meet intended objectives should there be repeated requests for similar variances.

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

If the variances are approved, the following comments relate to the site plan:

- 1) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location, building areas, parking areas, driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations), on-site traffic circulation and provision for emergency service vehicle access. Proposed on-site traffic circulation, driveway location, building areas, associated parking areas etc., should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items and Railroad Avenue and no on-site development should impede available sight distances,
- 2) any/all necessary 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 Railroad Avenue, highway design/maintenance provisions should be met, etc.). Consideration should be given to the overall traffic impacts this development will have on Railroad Avenue,
- 3) 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 county highway right of way) and fire lanes should remain open,
- 4) 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),
- 5) 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 Furnace Road,
- 6) 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,
- 7) “operational noises” should be mitigated (i.e. noise generated by proposed business activity should not impact nearby land uses), if applicable,
- 8) 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),
- 9) all toxic/hazardous materials that may be associated with any on-site activity should be properly stored, handled and disposed of (if applicable),
- 10) security measures should be intact (e.g. the site should be lighted),
- 11) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 12) all necessary local, federal and state recommendations/regulations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes, NYS Department of Health, NYS Department of Environmental Conservation - Stormwater Management and Erosion and Sediment Control, etc. – if applicable) and
- 13) future plans (if any) for the total acreage should be considered.

A motion was made to recommend Disapproval of the Area Variances and Site Plan due to the lack of information regarding business activities. **Motion** – Mr. Burns, **Second** – Mr. Guthrie, Chairman requested voice vote. **Ayes** – 11, **Opposed** – None, **Abstention** – None. **Motion carried. Action** – Recommend disapproval with comments.

Project: Town of Ontario – D’Angelo Subdivision

Address: 859 Clevenger Rd

Tax Map Ref. No.: 61117-00-949208

Type of Action: Preliminary / Final Subdivision Plan

Mr. DeRoo described this project as a 13-lot subdivision with 8 single lots on the road front and one common private driveway like a cul-de-sac with 5 pie shape lots. The property is served by public water but no sewer. The following comments were offered for consideration:

- 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). The “shared driveway” turnaround area should be designed to meet applicable codes and to help provide for items such as emergency vehicle and snowplow access,
- 6) emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, law enforcement and fire),
- 7) 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
- 8) the property owner(s) should be aware that a portion 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.

For reference, the bullet items found below contain questions/comments that the board provided regarding another subdivision that was recently proposed on the south side of Ridge Road and west of Lincoln Rd (Southbrook Estates, October 28, 2020 review). They are being used again to offer insight into some of the considerations the board has when reviewing similar residential development plans in Ontario.

- They questioned how that proposal compares to the development pattern the town has planned for in this area, particularly when considering items such as existing comprehensive plan recommendations, subdivision and zoning regulations and municipal infrastructure.

- The Board also questioned how the proposal relates to the applicant's overall plans for the area and whether there are future plans to link this subdivision with existing/ adjacent subdivisions.
- The Board noted the importance of understanding the level of consideration that has been given to the comprehensive impacts this subdivision will have regarding items such as compatibility of various land uses with one another, traffic generating characteristics, protection of community character, drainage, community facilities, open space preservation and emergency services.

A motion was made to recommend Approval of the Subdivision Plan with comments noted. **Motion** – Mr. Guthrie, **Second** – Mr. Conklin, Chairman requested voice vote. **Ayes** – 11, **Opposed** – None, **Abstention** – None. **Motion carried. Action** – Recommend Approval with comments.

OTHER BUSINESS

Mr. Lyon updated the board on Brownfield investigations and a new EPA Revolving Loan Fund for future brownfield projects. He mentioned a countywide housing study will be starting soon and that the county will also be applying for a grant to create a Smart Growth comprehensive plan for the county. He also mentioned that an RFP is out for creating a countywide Solid Waste Management Plan. Mr. Peters suggested collaboration with other counties.

Ms. Hall brought attention to a handout in the board documents regarding local exceptions/exemptions to referrals coming to the board. There was a list of updated referral exceptions, and the planning department is asking for county board members feedback. She shared the data from last year's referral requests.

Ms. Hall also reminded members of the training program that is being offered by NYSERDA. Training dates will be June 7th and June 14th at 3 pm and 5:30 pm. Both programs will be presented virtually but in person attendance will be offered at the 9 Pearl St. Conference Room.

The next meeting is set to be held on the last Wednesday in the month of June (June 29, 2022). Hearing no other business, Chairman Milliman asked for motion to adjourn. Motion – Mr. Thorn, Second – Mr. Bartel. All members were in favor. Meeting adjourned at 8:00 p.m.

Respectfully submitted,



Deborah Hall, Senior Clerk, Planning Dept.