

WAYNE COUNTY PLANNING BOARD

MINUTES June 29, 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 Steve Guthrie (Rose), Matt Krolak (Palmyra), Bob Milliman (Wolcott), Bert Peters (Williamson), Mert Bartels (Macedon), Larry Lockwood (Huron), Rob Burns (Lyons), Dennis Grabb (Sodus), Chad Mendenhall (Butler) and newest member Patti Marini (Walworth). There were ten (10) members present which meets the minimum attendance for quorum of the Board. Kenneth Conklin (Ontario), Ron Thorn (Galen) and Bob Hutteman (Arcadia) were absent. There are two 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 members of the public in attendance: Christian Brunelle, representing Byrne Dairy application, and Mr. and Mrs. Jose Berenguer, representing the Lake Bluff Honey Farm Stand application.

Chairman Milliman welcomed attendees and new members of the board and asked for any administrative updates or communication. Ms. Hall confirmed that Ms. Marini also serves on the local Town Planning Board. Ms. Hall reminded the board of recusals from a vote when an applicant is appearing in front of the local board on which they serve.

MINUTES Chairman Milliman asked if there were any changes or comments to the previous meeting minutes of May 25, 2022. Mr. Bartels made a motion to accept the minutes from the previous meeting, with a second from Mr. Peters. The minutes were approved with Ms. Marini abstaining.

ZONING AND SUBDIVISION REFERRALS

Chairman Milliman called for the Board to review the list of referral applications. Ms. Hall read the meeting guidelines, reminding the public that the Board will review applications and make recommendations back to the local referring board. Mr. Milliman asked for a review of the applications that were determined by the preview committee to have “no significant county-wide or inter-community impact”, also known as NCI. Mr. Milliman stated for the record that two (2) referrals could move forward as suggested for NCI determination as follows:

Project: Town of Marion – King Front Porch Area Variance

Address: 3004 Newark Rd

Tax Map Ref. No.: 66114-00-115022

Type of Action: Area Variance

Project: Town of Savannah – New Life Church Sign Variance

Address: 1912 Route 89

Tax Map Ref. No.: 77112-00-300201

Type of Action: Area Variance

A motion was made to recommend that these referrals would have *no inter-municipal or countywide impact (NCI)* and to send back this recommendation to their referring entities for local action. **Motion** – Mr. Guthrie, **Second** – Mr. Bartels. Chairman Milliman requested voice vote. **Ayes** – 10, **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 two (2) projects to be presented separately by Mr. DeRoo for full Board review and discussion.

Project: Village of Palmyra – Byrne Dairy Site Plan

Address: 611 East Main St.

Tax Map Ref. No.: 64111-12-999661

Type of Action: Final Site Plan

Mr. DeRoo introduced the project as an application for site plan review for the demolition of the previous Breen’s grocery store, a 32,000 sf building, and construction of a new Byrne Dairy retail store and fueling facility. Mr. Brunelle explained that the new store would be nearly identical in size and layout to the facility recently built in Newark, NY. It would be a 4,232 sf building with 4 pumps / 8 pump stations. The development would include reuse and clean-up of the existing curb cuts to Rt. 21 and Rt. 31/Main St. There would be 40 parking spots. The footprint of the entire development would fit inside the footprint of the existing building. He explained that there are 7 separate easements on the property and that all of them would stay intact. The lighting would be LED and “dark sky” compliant. He also stated that the zoning on the property was 5% Commercial 3 and 95% Industrial. The development would take place entirely in the Industrial portion, of which a gas station is an allowable use. No variances were required and unlike other Byrne Dairy stores, this one would include ownership of the property. They hope to proceed with demolition and removal of underground tanks in July with completion of the site in October 2022.

Mr. Peters asked about the driveway allowance for tractor trailers to which Mr. Brunelle indicated they would not accommodate large tractor trailers due to a prohibition of additional pavement in the setback area, which is unique to the Village of Palmyra code. Mr. Peters asked if there were plans for electric vehicle charging stations. Mr. Brunelle stated these are very costly and potentially a long way in to the future for everyday drivers. He also indicated there would be no standalone diesel canopy, however, diesel would be available on the proposed 3+1 fueling canopies. Mr. Brunelle stated that the retail operation would include some groceries and fresh fruit. There are 64 total Byrne Dairy retail/fuel facilities now in operation with 7 more under construction this year.

Mr. Krolak recommended that attention and monitoring be done on the sludge piles on the north side of the parcel, bordering the Erie / Barge Canal, where unstable piles of canal dredging materials are placed every year. The board noted that Erie Canal dredge materials stored on adjacent site should be monitored by the village and property owner to ensure dredge materials do not infringe on applicant site.

The staff recommendations state that this development be compatible with surrounding land uses and protect community character as regards to predominant land uses, population density, and the relation between residential and nonresidential areas (comments #3 and #4 relate to these items).

- 1) traffic generating characteristics of the proposal should be considered, including, but not limited to driveway locations, building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations) and on-site traffic circulation. Proposed on-site traffic circulation, driveway locations, building area and associated parking areas should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to East Main Street /NYS Rt. 31 and NYS Rt. 21 and no on-site development should impede available sight distances,
- 2) any/all applicable NYS Department of Transportation permits/approvals/recommendations must be obtained/followed,
- 3) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed commercial development remain compatible with surrounding land uses (e.g. 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 through use of items such as building design/materials, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled East Main Street /NYS Rt. 31 (Erie Canalway National Heritage Corridor),
- 5) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses - if applicable),
- 6) all applicable/necessary easements (“cross-lot” included) should be in place to ensure that the development maintains function and compatibility (e.g. access/driveway, parking, stormwater management, utility, etc. easements).
- 7) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 8) any/all toxic/hazardous materials should be properly stored, handled and disposed of,
- 9) 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, fire and law enforcement),
- 10) 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 and Petroleum Bulk Storage Regulations, Department of Health, Uniform Fire Prevention and Building Codes, etc.)
- 11) future plans (if any) for the total acreage should be considered.
- 12) proposed development should take applicable “well-considered” and/or comprehensive planning efforts/recommendations into account.

A motion was made to recommend Approval of the Site Plan with comments and return to the village. **Motion** – Mr. Peters, **Second** – Mr. Burns, Chairman requested voice vote. **Ayes** – 10, **Opposed** – None, **Abstention** – None. **Motion carried. Action** – Recommend Approval with comments.

Project: Town of Huron – Lake Bluff Honey Farm Stand Area Variance

Address: 6964 Lake Bluff Rd

Tax Map Ref. No.: 72118-00-867628

Type of Action: Area Variance

Mr. DeRoo described this project as the applicant seeking to construct permanent farm stand with a 16’ front yard setback where a 50’ front yard setback is required in A5A zone. It is the applicant’s desire to change a temporary farm stand tent into a permanent farm stand structure on the same footprint. The property is a total of 10 acres. Mr. Berenguer has owned the residence for 18 years which used to be a bed and breakfast facility. He and his wife and family have operated a bee farm for 14 years after building bee hives for local farmers to assist in pollination of fruits and vegetables. The tent that is erected along the road and driveway serves as a place for retail sales of their honey products. They would like to make this a permanent build structure, still open air / partial enclosed with cabinets and a fridge but more weather and wind resistant. Mr. Guthrie asked to clarify that there would be no change in size of the structure from the tent and that the current site distance from the road and pulling into and out of the driveway did not seem to pose a threat to traffic safety. Mr. Mendenhall commented that the right-of-way measurements often depend on the town and where they consider the starting point, either side of the road or center. Town of Huron uses the side of the road. Mr. DeRoo stated that County Highway comments refer to avoiding backing up into the road and to place nothing in the right-of-way.

- 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 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,
- 4) the proposed development (farm stand) should not impact the Wayne County Highway right of way,
- 5) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location, 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, 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 Lake Bluff Road. As examples, on-site development should not impede available sight distances, there should be no need to back a vehicle onto Lake Bluff Road from the site, all parking should be contained on-site, there should be no need to park in the county highway right of way, and an “on-site driveway loop/semi-circle” should be considered to aid in traffic circulation,
- 6) 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., particularly given that the parcel is located near Great Sodus Bay/Lake Ontario,
- 7) proposed development must meet applicable local, federal and New York State codes/regulations (e.g. Department of Health - wastewater treatment and water supply system - related, Uniform Fire Prevention and Building Codes, etc.) and
- 8) future plans (if any) for the total acreage should be considered.

A motion was made to recommend that the referral would have *no inter-municipal or countywide impact (NCI)* and to send back this recommendation to town for local action.. **Motion** – Mr. Guthrie, **Second** – Mr. Krolak, Chairman requested voice vote. **Ayes** – 10, **Opposed** – None, **Abstention** – None. **Motion carried.**
Action – Return referral to the municipality with recommendation as NCI with staff comments.

OTHER BUSINESS

Mr. Peters asked that Mr. Rooney, the County Highway Superintendent, be invited to speak to the board a future meeting to review County concerns when considering applications countywide impact. Ms. Hall stated that Mr. Pincelli from Economic Development and Planning was planning to attend the next board meeting, or just prior to it, to discuss the process of solar project development in the county. Mr. DeRoo stated that the board has seen preliminary actions on a few solar sites over the past few years. Mr. Lyon updated the Board on the planning department proposal to local code enforcement officers to update and expand the exemptions/exceptions list for types of county planning board referrals. The board discussed the types of projects they are seeing and wanted to make sure there is a full statement of action.

The next meeting is set to be held on the last Wednesday in the month of July (July 27, 2022). Hearing no other business, Chairman Milliman asked for a motion to adjourn. Motion – Mr. Peters, Second – Mr. Grabb. All members were in favor. Meeting adjourned at 7:48 p.m.

Respectfully submitted,



Deborah Hall, Senior Clerk, Planning Dept.