

# WAYNE COUNTY PLANNING BOARD

## MINUTES August 31, 2022

A meeting of the Wayne County Planning Board was held in person at 9 Pearl St. 2<sup>nd</sup> floor Conference Room, Lyons, NY. Chairman Bob Milliman called the meeting to order at 6:56 p.m. and proceeded with a call to join in the Pledge of Allegiance.

Members in attendance were Steve Guthrie (Rose), Bob Milliman (Wolcott), Kenneth Conklin (Ontario), Mert Bartels (Macedon), Larry Lockwood (Huron), Rob Burns (Lyons), Dennis Grabb (Sodus), Chad Mendenhall (Butler), Matt Krolak (Palmyra), Bert Peters (Williamson), Ron Thorn (Galen), Bob Hutteman (Arcadia), and Patti Marini (Walworth). There were thirteen (13) members present which meets the minimum attendance for quorum of the Board. No members were absent. There are two vacancies on the 15-member board. County staff in attendance were Thomas Lyon, Planner and Deb Hall, assistant secretary/clerk to the board.

There were 12 members of the public in attendance: Al LaRue, Nick Graziose and Bruce Gerber for the Four Mile Creek application; Daniel Wilbert, Robert Wilbert and Hayden Woods for the Wilbert's application; Dan Compitello and Kristin Jacobs for the Lyons Solar application; John Hatto and Dano Profetta for the Railroad Ave application; Chris Stasty for the Dollar General application; and Austin Goodwin for the Royal Car Wash application.

Chairman Milliman welcomed attendees and asked for any administrative updates or communication. Ms. Hall reported no new correspondence for the board.

**MINUTES** Chairman Milliman asked if there were any changes or comments to the previous meeting minutes of July 27, 2022. Mr. Guthrie made a motion to accept the minutes from the previous meeting, with a second from Mr. Conklin. There were 4 abstentions due to absence from previous meeting. Minutes were approved with a vote of 9.

### **ZONING AND SUBDIVISION REFERRALS**

Chairman Milliman called for the Board to begin review of 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 list of the applications that were determined by the preview committee to have "no significant county-wide or inter-community impact", also known as NCI. Ms. Hall explained that some applications had multiple actions of which some of the actions were being recommended as NCI and other actions would be reviewed by the board. Ms. Hall read the following list of referrals for the record where only these specific actions were recommended for NCI determination:

#### **Project: Town of Lyons - Dollar General**

Address: 1 Route 31

Tax Map Ref. No. : 70111-12-931564

Type of Action(s): Subdivision, Area Variance, and Special Permit

#### **Project: Town of Lyons - LaGasse Free Standing Sign**

Address: 5 Old Route 31

Tax Map Ref. No. : 71111-11-578562

Type of Action(s): Area Variance

#### **Project: Town of Lyons - Rt. 14 Solar Farms I, II, III**

Address: 776/816 Route 14

Tax Map Ref. No. : 71110-00-267856

Type of Action(s): Subdivision

**Project: Town of Marion – Ranway Farms**

Address: 5377 Owls Nest Rd  
Tax Map Ref. No.: 67115-00-218833  
Type of Action: Final Subdivision

**Project: Town of Ontario – Wilbert’s Building Addition**

Address: 1075 Route 104  
Tax Map Ref. No.: 62117-00-182828  
Type of Action: Area Variances & Final Site Plan

A motion was made to recommend that these referral actions would have *no significant inter-municipal or countywide impact (NCI)* and to send these recommendations to the local referring bodies for local action. **Motion** – Mr. Peters, **Second** – Mr. Krolak. Chairman Milliman requested voice vote. **Ayes** – 13, **Opposed** – None, **Abstention** – None. **Motion carried. Action** – Return response letters to the municipalities with recommendations as NCI with staff comments.

Mr. Lyon introduced the remaining actions for full board review

**Project: Town of Ontario – Four Mile Creek PUD – Phase 1**

Address: 278-300 Ridge Rd  
Tax Map Ref. No.: 61117-00-157309; 61117-00-212343; 61117-00-021204  
Type of Action(s): Subdivision and Final Site Plan

Mr. LaRue presented a site plan to the board and explained Phase 1 of the mixed unit housing development project taking place on 229 acres of land. The development sets aside a 75-acre non-development area. There are both dedicated roadways and private roadways, all built to regulation for emergency vehicles, as well as trails and connected sidewalks, playgrounds and green spaces to break up the concentration density. Phase 1 of development will contain all types of proposed housing including apartments, duplex, townhomes and SFR lots for sale. He described it as a “move-up community.” Future phases will be developed based on market demand. Mr. Krolak expressed concern regarding the sight distance facing east at the traffic intersection with the second private driveway road cut onto Ridge Rd, located just west of a slight curve. Mr. Graziose confirmed that the speed limit is 45 m.p.h. at that section of road. He also explained that a similar development just east of this one has a similar configuration with two road cuts and no traffic light and there has not yet been a traffic problem. Mr. Hutteman stated that this project is a new traffic generator for the whole stretch of Ridge Rd. Mr. LaRue stated that Mr. Rooney from County Highway has been involved in the project and is reviewing the whole corridor.

Mr. Guthrie made a sidebar comment regarding EMS and fire department support in the region based on the amount of new homes and residents coming into Wayne County. He referred to the new EMS countywide project but stated that growth is coming faster than services.

Mr. Peters asked about the sewer main. Mr. LaRue explained that the sewer would connect to existing main and that the development would replace an 8-inch line with 10-inch line. He also said that the town in putting in a water main down the street. The easement along the creek on the property remains with Wayne County. The subdivision action would affect three existing lots in order to create 28 new lots in Phase 1 to accommodate the 11 SFR lots and the remaining townhome and apartment lots.

A motion was made to recommend approval of these actions with comments and to send this to the local referring body for local action. **Motion** – Mr. Peters, **Second** – Mr. Thorn. Chairman Milliman requested roll call. **Ayes** – 11, **Opposed** – 2 from Mr. Krolak and Mr. Mendenhall, **Abstention** – None. **Motion carried. Action** – Return referral to the municipality with recommended approval with comments.

**Project: Town of Lyons - Rt. 14 Solar Farms I, II, III**

Address: 776/816 Route 14

Tax Map Ref. No. : 71110-00-267856

Type of Action(s): Site Plan and Special Permit

Mr. Compitello explained the site plan which outlined three parcels that when combined, would constitute 13.5 mw of solar power generated. This power would be sent back to the grid, offsetting local use, and could also offer a discount to residents. The project area is a total of 78 acres out of 168 acres. Each parcel will have a private access road and landscaping along the borders. The first lot along Rt. 104 was reduced in size due to a 350-ft R-1 Zone along the roadway. He stated that the project would use less than 50% of prime soil and that the property owner intends to continue farming around the solar fields. He claimed that the project has had lots of revisions at the request of the town and has been in planning phase for 18 months. Mr. Guthrie questioned how the farmer would farm around the panels. Mr. Compitello explained that there was room left along the property boundaries for crops to be planted. Mr. Compitello also explained that allowing the land to be fallow for 30-50 years would result in better soils. Mr. Mendenhall asked about disposal or recycling of panels in the event of damage or low output. Mr. Compitello said there are some companies that are now taking them. Mr. Guthrie wondered if Sohn Alloway Rd. was capable of handling trucks and stated that the project site is at a higher elevation. Mr. Thorn expressed concern at the use of prime soils and soils of statewide importance. Mr. Compitello said that state code allowed for no more than 50% of these soils to be affect per project. This project affects between 30-45% per lot. Mr. Mendenhall asked if there were studies done on increase in carcinoma around solar fields, and Mr. Compitello said they are not toxic, pass the leachate test and emit electromagnetic fields not more than existing power lines. Mr. Mendenhall asked about weed and lot maintenance. Mr. Compitello said that they hire local contractors to come three to six times per year. Ms. Jacobs stated that pollinator species of grass and ground cover will be planted to help the local insect and bee population.

Mr. Thorn made a motion to recommend Disapproval on both the site plan and special use due to the lack of specificity when considering solar projects in the Lyons comprehensive plan and in setting a precedent for similar projects affecting farmland. Mr. Krolak seconded the motion stating his concern that there would not be enough room to farm around the panels. Mr. Lockwood provided discussion in dissent from this motion for the rights of the property owner. Chairman requested roll call vote. **Ayes – 6, Opposed – 5, Abstention – 2** (Mr. Burns and Mr. Hutteman). **Motion did NOT carry with the required 8 in the affirmative. Action –** return the referral to the Town of Lyons with comments but with no recommendation.

**Project: Town of Ontario – 2069 Railroad Ave Amended Site Plan & Area Variances**

Address: 2069 Railroad Ave.

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

Type of Action(s): Area Variances (Front yard, rear yard and lot coverage) & Amended Site Plan

Mr. Hatto presented an amended site plan describing the flex space building configuration containing three, 1500-sf units on .77 acres that comprised 44% lot coverage. The building would be 45-ft at the widest point. The property will be used for contractor’s storage. The front setback is 12-ft and the back is 3-ft which requires a variance. Parking and traffic were previous concerns for this project which have since been presented to Mr. Rooney at County Highway, who did express previous concerns with backing up into the roadway. Now, there will be nine parking spots and no outdoor storage and no commercial or retail traffic. Mr. Hutteman noted that the new building would not be more non-conforming than the existing building. Mr. Hatto stated the project would tie in with existing storm, sewer and water.

A motion was made to recommend Approval of the amended Site plan and Area Variance with comments and return to the town. **Motion –** Mr. Guthrie, **Second –** Mr. Hutteman, Chairman requested voice vote. **Ayes – 13, Opposed – None, Abstention – none. Motion carried. Action –** Recommend Approval with comments.

**Project: Town of Macedon – Royal Car Wash Special Permit**

Address: 1585 Macedon Parkway

Tax Map Ref. No.: 61111-00-072772

Type of Action: Site Plan

Mr. Goodwin from Passero Associates described the site plan. Board members were concerned about the proposed traffic light at Rt. 31. Mr. Goodwin explained the MOU between the state, the three developers and the town assures that a traffic light will be built as the developments come online. If any one member backs out, DOT will re-evaluate for traffic triggers. Mr. Hutteman noted that the site plan shows the vacuum bays will be located on a county water/sewer easement. Mr. Goodwin assured the board that they have permission to move forward across the easement and would allow WS authority to access their easement at any time.

A motion was made to recommend Approval of the Site Plan with comments and return to the town. **Motion** – Mr. Guthrie, **Second** – Mr. Conklin, Chairman requested roll call vote. **Ayes** – 12, **Opposed** – None, **Abstention** – 1 (Mr. Bartels). **Motion carried. Action** – Recommend Approval with comments.

**Project: Town of Lyons - Dollar General**

Address: 1 Route 31

Tax Map Ref. No. : 70111-12-931564

Type of Action(s): Site Plan

The representative for this application, Mr. Statsy, had left the meeting by this time. Mr. Lyon presented the most recent site plan. Mr. Guthrie stated that the parking lot configuration was similar in scope to the Dollar General recently built in Rose. He stated there have been ongoing problems with delivery trucks getting stuck or going off the pavement because the design does not provide enough space to turn around without affecting pedestrian walkways or traffic flow. Mr. Milliman stated he had also seen similar design where delivery trucks back up into the parking area from the main roadway.

A motion was made to recommend Disapproval of the Site Plan on the grounds of inadequate space for delivery trucks, and with additional comments to return to the town. **Motion** – Mr. Guthrie, **Second** – Mr. Conklin, Chairman requested roll call vote. **Ayes** – 12, **Opposed** – None, **Abstention** – 1 (Mr. Hutteman). **Motion carried. Action** – Recommend Disapproval with comments.

**Project: Town of Williamson – Tera Jarnot & Amy Stoner**

Address: 5625 Rt. 21

Tax Map Ref. No.: 65116-00-736835

Type of Action: Special Permit

Mr. Lyon presented the last referral asking for a special permit to establish a dwelling unit in an accessory shed on R-1 zoned property. The board questioned the hand-drawn layout of the proposed shed, and felt the application lacked enough detail needed for them to assess items they are charged to consider. For example, it was difficult to determine if/how a septic system would or could feasibly be designed to meet NYS Department of Health codes/regulations. Not to scale, the overall parcel site plan was inadequate to comprehensively illustrate and assess how items such as property boundaries, specific building locations, septic system components, on-site (and off-street) driveway and parking areas, required zoning setbacks, and how these items relate and function to ultimately meet applicable local and NYS codes.

A motion was made to recommend Disapproval of the Special Permit on the grounds of inadequate space for delivery trucks, and with additional comments to return to the town. **Motion** – Mr. Guthrie, **Second** – Mr. Bartels, Chairman requested roll call vote. **Ayes** – 13, **Opposed** – None, **Abstention** – None. **Motion carried. Action** – Recommend Disapproval with comments.

**OTHER BUSINESS**

Ms. Hall reminded the board that a resolution was being sent to the Board of Supervisors in September to update the Planning Board Exemptions per GML 239, where the county can exempt certain types of actions from county planning board referral, such as residential subdivisions into two lots. Ms. Hall shared the list again with members, and stated that the list had been sent to everyone by email. Mr. Guthrie felt this list excluded a lot of issues currently being reviewed by the board. Mr. Lyon reminded the board that many of these actions were regularly passed by the board as NCI. These exemptions would reduce the burden of review on staff and the board. Mr. Krolak stated that as a volunteer, he attends the meetings without concern of being burdened and appreciates seeing what is happening around the county. Mr. Burns asked the board if splitting up the actions into NCI and full board review was confusing. The board confirmed that they prefer to see all the actions for a referral at the same time, if any one of the actions requires a full board review.

The next meeting is set to be held on the last Wednesday in the month of September (September 28, 2022).

Hearing no other business, Chairman Milliman asked for a motion to adjourn. Motion – Mr. Lockwood, Second – Ms. Marini. All members were in favor. Meeting adjourned at 9:02 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Deborah Hall". The signature is written in a cursive, flowing style.

Deborah Hall, Senior Clerk, Planning Dept.