

WAYNE COUNTY PLANNING BOARD

MINUTES

September 29, 2021

Chairman, Mert Bartels called the meeting of the Wayne County Planning Board to order at 7:01 p.m. This meeting was held in person at the Wayne County Court House 26 Church Street, Lyons, NY in the upper chambers. Mr. Bartels invited all to stand and recite the Pledge of Allegiance.

Members present were Ron Baker (Sodus), Mert Bartels (Macedon), Larry Lockwood (Huron), Steve Guthrie (Rose), Bob Hutteman (Arcadia), Robert Burns (Marion), Matt Krolak (Palmyra), Bob Milliman (Wolcott), Ron Thorn (Galen), Bert Peters (Williamson), Kenneth Conklin (Ontario), Larry Ruth (Walworth) and Jim Wedman (Lyons). Thirteen members in attendance represents a quorum of the Board. No members were absent. County staff in attendance were Bret DeRoo, Thomas Lyon, and Deb Hall. There were four members of the public in attendance, representing three of the applications for review.

MINUTES Chairman Bartels asked for a motion to approve August 25, 2021 Planning Board minutes.

Motion – Mr. Hutteman, **Second** – Mr. Milliman, **Abstention** – Mr. Peters and Mr. Ruth, **Ayes** – 11. **Opposed** – None. **Motion Carried.** **Action** – Record the minutes as presented.

ZONING AND SUBDIVISION REFERRALS

The following nine (9) referrals were introduced and upon discussion, determined to have *no inter-municipal or countywide impact (NCI)*.

127 Main St. Subdivision, Town of Macedon

Preliminary & Final Subdivision Plan / Preliminary & Final Site Plan, Tax Map No. 62111-08-977912

Description: Subdivide 1.6 acre commercial lot into 2 parcels, 1.4 acre with existing business & .2 acre with new liquor store building / business

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 building design/materials, building/property maintenance, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled NYS Rt. 31/ Erie Canalway National Heritage Corridor,
- 2) screening (e.g. fence, berm, landscaping, etc.) should be considered/used to help the proposed development remain compatible with surrounding land uses,
- 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 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. This information could also be useful for emergency service providers to review,
- 4) 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),
- 5) all necessary “cross-lot easements“ should be in place to ensure that applicable existing and potential future development/business can maintain their function and compatibility (e.g. access/driveway, parking, stormwater management, utility, etc. easements),
- 6) 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 Codes - including water and wastewater treatment/sanitary service requirements, etc.),
- 7) snow maintenance/removal plans should be considered,
- 8) future plans (if any) for the parcel should be considered and
- 9) the property owner(s) should be aware that portions of the “parent parcel” appear to contain (or be near) 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.

Indus Hospitality KFC/Microtel Signage, Town of Macedon

Area Variances, Tax Map No. 61111-00-274709

Description: Additional and larger signage requested due to branding compliance with KFC/Microtel

Comments:

- 1) the hardship criteria (rules/tests) that are required to grant the area variances must be substantiated at the local level,
- 2) the minimum variances necessary/adequate should be considered,
- 3) the proposed signs should not impede available sight distance(s),
- 4) the proposed signs should not impact the NYS Department of Transportation Rt. 31 or Wayneport Road rights of way,
- 5) proposed signage should be implemented in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as sign design/materials, particularly given that the parcel is located near the highly traveled NYS Rt. 31/ Erie Canalway National Heritage Corridor and Wayneport Road and
- 6) the Town may wish to review applicable plans/studies and regulations to determine if they still meet intended objectives should there be repeated requests for similar variances.

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

1. **“Municipal Control of Signs”** at <https://dos.ny.gov/system/files/documents/2021/09/municipal-control-of-signs.pdf>
2. **“Questions for the Analysis and Evaluation of Existing Zoning Regulations”** at <https://dos.ny.gov/system/files/documents/2021/09/questions-for-the-analysis-and-evaluation-of-existing-zoning-regulations.pdf>
3. **“Zoning Board of Appeals”** 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.

Wilbert Tires & Wheels Sign, Town of Ontario

Preliminary Site Plan / Final Site Plan, Tax Map No. 62117-00-182828

Description: Building façade sign replacement

Comments:

- 1) proposed signage should be implemented in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as sign design/materials, particularly given that the parcel is located on the highly traveled NYS Rt. 104,
- 2) the following document may contain useful information and is available from the NYS Department of State on their website as follows: **“Municipal Control of Signs”** at <https://dos.ny.gov/system/files/documents/2021/09/municipal-control-of-signs.pdf> and
- 3) 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/>) 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.

Biviano Subdivision Sec 2, Town of Ontario

Preliminary Subdivision Plan / Final Subdivision Plan, Tax Map No. 63117-00-623910

Description: Subdivision of one 8.72 acre lot into 4 separate residential lots

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) A driveway permit will need to be obtained from the WC Highway department for proposed driveways,
- 4) Future plans for the total acreage should be considered (if any),

- 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),
- 6) 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,
- 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. - if applicable and
- 8) 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.

Nichols - Front Porch, Town of Palmyra

Area Variance, Tax Map No. 64112-19-564068

Description: Homeowner wants to construct full front porch with 14.6 ft reduction in setback requirement, from 50 ft to 35.4 ft.

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 (if applicable),
- 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 at <https://dos.ny.gov/system/files/documents/2021/09/zoning-board-appeals-.pdf>. Details regarding each of the area variance “hardship rules/test” can be found in this document.

Wilsey Rd. Manufactured Home Park (MHP), Town of Savannah

Area Variances, Tax Map No. 76111-00-496931

Description: Park owner to remove old homes and replace with new homes in same locations, under new zoning standards that were not in place originally. Seeking setback of 13 ft for homes and 6 ft for sheds.

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 at <https://dos.ny.gov/system/files/documents/2021/09/zoning-board-appeals-.pdf>. Details regarding each of the variance “hardship rules/test” can be found in this document.

The Board recommended the following comments should be considered should the area variances be approved at the local level:

- 1) 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.,
- 2) screening (e.g. fence, berm, landscaping, etc.) should be considered to help the proposed development remain compatible with surrounding land uses,

- 3) 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
- 4) 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, "[Municipal Regulation of Mobile Homes](#)", on their website at

<https://dos.ny.gov/system/files/documents/2021/09/municipal-regulation-of-manufactured-housing.pdf>.

Pinaire Subdivision, Town of Walworth

Final Site Plan / Final Subdivision Plan, Tax Map Nos. 62116-00-624685 & 62116-00-649659

Description: Subdivision from 2 contiguous lots/parcels into 3 parcels

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 (if any) for the total acreage should be considered,
- 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. and
- 7) 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.

2871 Ridge Rd. Subdivision, Town of Williamson

Preliminary Subdivision Plan / Final Subdivision Plan, Tax Map No. 64117-00-425686

Description: Subdivision from one 80 acre lot into 5 lots of various sizes, one of which remains existing 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 (if any) for the total acreage should be considered,
- 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., and
- 7) the property owner(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area as well as NYS Department of Environmental Conservation wetland area (approximate

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

2765 Lake Rd Shed, Town of Williamson

Area Variance, Tax Map No. 64119-00-295544

Description: Installation and placement of shed forward of primary structure.

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,
- 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 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 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](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 area variance "hardship rules/test" can be found in this document.

After brief review, a motion was made to approve these referrals with a notation of NCI, no countywide impact and send back to their referring entities for local action.

Motion – Mr. Guthrie, **Second** – Mr. Peters, Chairman Bartels requested voice vote. **Ayes** – 13, **Opposed** – None, **Abstention** – None. **Motion carried**

Action – Return these referrals as NCI with comments to the municipalities to be handled as local matters.

The following projects were then reviewed and discussed separately by the Board.

Sodus Marina Storage Building, Route 14 / Sentell St., Village of Sodus Point

Area Variance / Final Site Plan, Tax Map Ref. No. 71119-17-030027

Description: Construction of 12,000 sq ft boat storage facility between two existing buildings with reduced rear set back. Mr. Guthrie proposed the area variance be considered separate from the final site plan. A representative of the project, Robert Hinkley, rose to answer questions. Mr. Peters asked if the round house abutments would be disturbed by the project. Mr. Hinkley said no. Mr. Guthrie asked why no gutters were on the new building plan. Mr. Hinkley stated that the other two existing buildings also do not have gutters but that water run off flows toward the railroad bed at the back of the property.

For reference, the following information was sent by the project engineering firm to help address some of the questions the board may have.

- There was once a third storage barn located between the two existing buildings
- The proposed building will be constructed in the same footprint and will be used for boat storage
- The adjacent property is divided by a fence and contains another boat storage facility
- The proposed location for the building has been previously developed and is currently impervious (no net increase in impervious)
- Silt fence has been added to the plan to address sediment and erosion control during construction
- The approximate location of the proposed private hydrant has been added to the plan. The owner is currently coordinating with the Village and fire department
- The Village indicated that they would pass along fire code info

Additional Comments considered:

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

Reference 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/test" can be found in this document.

After discussion, a motion was made to approve the Area Variance request showing no countywide impact (NCI) and that it be send back to the referring entity with comments for local action.

Motion – Mr. Peters, **Second** – Mr. Wedman, Chairman Bartels requested voice vote. **Ayes** – 12, **Opposed** – None, **Abstention** – Mr. Baker. **Motion carried**

Action – Return Area Variance as NCI with comments.

Further review of the Sodus Marina Final Site Plan included the following comments:

- 1) the proposed building and overall site should be developed in a manner that helps them remain compatible with surrounding land uses and also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, maintenance, etc., particularly given that the parcel is visible from the highly traveled NYS Rt. 14,
- 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.), if applicable,
- 3) dust control measures should be considered, and implemented if necessary, for the stone/gravel access driveway,
- 4) "operational noises" should be mitigated (i.e. noise generated by proposed business activity should not impact nearby land uses), if applicable,
- 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, law enforcement and fire),
- 6) 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),
- 7) all toxic/hazardous materials that may be associated with any on-site activity should be properly stored, handled and disposed of (if applicable),
- 8) security measures should be intact (e.g. the site should be lighted),
- 9) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 10) all necessary local, federal and state recommendations/regulations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes – a hydrant is shown on the site plan that is near the proposed structure, NYS DEC - Stormwater Management and Erosion and Sediment Control etc.),
- 11) future plans (if any) for the total acreage should be considered,
- 12) the property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland wetland area (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 and
- 13) Sodus Point's Active Transportation Plan (ATP) and associated recommendations should be taken into consideration when reviewing the application (if applicable).

A motion was made to Approve Final Site Plan with comments send back to the referring entity for local action.

Motion – Mr. Guthrie, **Second** – Mr. Wedman, Chairman Bartels requested voice vote. **Ayes** – 12, **Opposed** – None, **Abstention** – Mr. Baker. **Motion carried**

Action – Return the matter as Approved with Comments to the referring entity for local action.

The next referral was introduced by Mr. DeRoo.

Oakridge Glen 250-R Route 31, Town of Macedon

Preliminary Site Plan - Overall development, Final Site Plan - Phase I, Tax Map No. 61111-00-026609

Description: Phase I of development seeking site plan approval for 101 townhomes, Phase I includes townhomes, clubhouse, pool, sidewalks, walking trails, ponds, and dog park. Two representatives from the project were in attendance, Tim Holland and Matt Tomlinson. Mr. Tomlinson from Marathon Engineering rose to speak. He described the Phase I development aspects including a proposed commercial development area along the front/road side of the property. He explained that a DOT traffic study is to be done at a later phase of development, confirming the need for a traffic light at the main intersection of Rt 31 and the new access road, and that the town is requiring the developer to post a financial guarantee for this future traffic light. Mr. Bartels asked the size of the water lines. Mr. Tomlinson confirmed 10” connection and 8” service lines to townhomes. Mr. Peters asked about the gated, locked emergency entrance maintenance and Mr. Ruth also voiced concern regarding emergency access and only one road for ingress/egress. Mr. Baker asked about the easement on neighboring Wayside property. Mr. Tomlinson stated it will be perpetual, deeded easement with a paved access road.

Other Comments included:

- 1) The Town should consider how the total proposed development will impact community/public facilities and services (e.g. highway/road, school, water, sewer, storm water management, public safety/emergency services, etc.) and

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

[“Creating the Community You Want: Municipal Options for Land Use Control” @ https://dos.ny.gov/system/files/documents/2021/09/creating-the-communityyouwant.pdf](https://dos.ny.gov/system/files/documents/2021/09/creating-the-communityyouwant.pdf)

The following are additional comments to consider regarding the proposed development, since rezoning has been approved at the local level:

- 1) Local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, fire, and 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 <https://gisservices.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

After review and discussion, a motion was made to Approve with comments and send back to their referring entities for local action.

Motion – Mr. Burns, **Second** – Mr. Krolak, Chairman Bartels requested voice vote. **Ayes** – 9, **Opposed** – 3, Mr. Baker, Mr. Guthrie, Mr. Ruth, **Abstention** – Mr. Peters. **Motion carried**

Action – Return these referrals as Approved with Comments to the municipality to be handled as local matter.

Local Law #1 – 2021, Town of Ontario

Amendment to Zoning Map, Tax Map No. (n/a – 8 parcels rezoned)

Description: Local Law seeks to rezone 8 properties from Suburban Residential (SR) to Business (B)

No representatives of the Town were present for discussion. Mr. Guthrie and Mr. Conklin asked how close the town was to completing a new town wide comprehensive plan. Mr. DeRoo stated that he was not sure but new the town was in the process of completing one. Mr. Peters asked why the town was pushing this law now and now waiting until the comprehensive plan was complete and stated that it would be more appropriate to wait for that document. Mr. Ruth asked about the uses of the existing buildings, of which all but one are currently residential. There was evidence shown that zoning on the opposite (north) side of street was all zoned Commercial in conjunction with the Route 104 corridor.

Other Comments included:

- 1) the proposed zoning code update 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 at <https://dos.ny.gov/system/files/documents/2021/09/zoning-and-the-comprehensive-plan.pdf> and
- 2) the Town attorney should review and approve the proposed amendment.

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**” at <https://dos.ny.gov/system/files/documents/2021/09/creating-the-communityyouwant.pdf>
2. “**Questions for the Analysis and Evaluation of Existing Zoning Regulations**” at <https://dos.ny.gov/system/files/documents/2021/09/questions-for-the-analysis-and-evaluation-of-existing-zoning-regulations.pdf>

After discussion and review, a motion was made to Disapprove the referral and send back to the referring municipality for local action, wherein to supersede the recommendation would require a supermajority vote of the governing board.

Motion – Mr. Ruth, **Second** – Mr. Guthrie, Chairman Bartels requested voice vote. **Ayes** – 12, **Opposed** – 1, **Abstention** – None. **Motion carried**

Action – Return this referral as Disapproved with comments to the municipalities to be handled as local matters.

OTHER BUSINESS – Mr. Bartels reviewed the details of the upcoming training event on October 7th.

The next meeting is set to be held on the last Wednesday of the following month, October 27th. Hearing no other business, Chairman Bartels asked for motion to adjourn. Motion – Mr. Baker, Second – Mr. Thorn. All members were in favor. Meeting adjourned at 7:48 p.m.

Respectfully submitted,



Deborah Hall, Senior Clerk, Planning Dept.