

WAYNE COUNTY PLANNING BOARD

DRAFT - MINUTES October 26, 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), 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, Senior Planner and Deb Hall, Planning Secretary/clerk to the board.

There were five (5) members of the public in attendance for the following applications: Michael Bouwens, Village of Newark Zoning and Map; Darren Pynn, 360 West Union St.; Frank Nicoletta, Antonio Nicoletta and Jason McCormck for Dunkin Donuts Lyons.

MINUTES Chairman Milliman asked if there were any changes or comments to the previous meeting minutes of September 28, 2022. Mr. Hutteman made a motion to accept the minutes from the previous meeting, with a second from Mr. Conklin. Minutes were approved with a unanimous vote.

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 read the following list of referrals for the record where only these specific actions were recommended for NCI determination:

Project: Town of Ontario – VanBortel Shed

Address: 1943 Lake Rd.

Tax Map Ref. No.: 63119-00-248514

Type of Action: Area Variance

Referral: Town of Palmyra – Fire Safety Code Updates

Address: 1180 Canandaigua Rd

Tax Map Ref. No.: N/A

Type of Action: Amendment to Text

Project: Town of Walworth – Safelite Glass

Address: 2140 Penfield-Walworth Rd

Tax Map Ref. No. : 63114-00-498420

Type of Action: Special Permit

There was no discussion by the board.

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. Guthrie, **Second** – Mr. Bartels. 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: Village of Newark – 360 West Union St. Residential Units

Address: 360 West Union St.

Tax Map Ref. No. : 68111-17-129028

Type of Action(s): Area Variance and Use Variance

Mr. Lyon described the project use variance as the conversion of first floor commercial space into residential rental units including upgrades to the exiting second floor residential units and area variance for multifamily conversion where 10% of buildings have been converted and for conversion from nonresidential to dwelling. Mr. Pynn, the applicant, stated that the building has been empty since 2019 when the previous commercial tenant, a church, vacated. Mr. Lyon stated that the property was zoned B2 Commercial yet it is surrounded by existing non-conforming residential uses. Mr. Pynn stated that 5 properties to the east and 20 properties to the west were also residential. Mr. Hutteman confirmed that over 10% of the properties in that district are residential. Mr. Lyon noted that there was plenty of off-street parking to accommodate residents and that the upcoming review of Village Zoning changes would not have affected this application.

A motion was made to recommend Approval of Area Variances and Use Variance with comments and to send this to the local referring body for local action. **Motion** – Mr. Burns, **Second** – Mr. Mendenhall. Chairman Milliman asked for voice vote. **Ayes** – 13, **Opposed** – 0, **Abstention** – 0. **Motion carried.** **Action** – Return referral to the municipality with recommended approval with comments.

Project: Village of Newark – Zoning and Code Text and Map Changes

Address: 100 East Miller St

Tax Map Ref. No. : n/a

Type of Action(s): Amendment to Text; Amendment to Map

Mr. Lyon introduced this action in two parts, first the proposed changes to Chapter 130 Signs and invited Mr. Bouwens to explain, who stated that the old code was vague and these updates just added more detail. Mr. Mendenhall asked for clarification on restrictions to residential flags. Mr. Bouwens explained that residents were limited in number per property and that no attention-getting or permanent advertising signs were allowed, but that there were no restrictions on protected first amendment rights.

The second part was changes to Chapter 170 Zoning and the accompanying map. Mr. Bouwens stated that the Village expanded a PUD district to include some adjacent mixed-use properties, created a B1 District related to hospital services, and created a new PID, planned industrial district.

A motion was made to recommend Approval to Amendments to Text and Map with comments and to send this to the local referring body for local action. **Motion** – Mr. Grabb, **Second** – Mr. Conklin. Chairman Milliman asked for voice vote. **Ayes** – 13, **Opposed** – 0, **Abstention** – 0. **Motion carried.** **Action** – Return referral to the municipality with recommended approval with comments.

Project: Town of Lyons – Dunkin Donuts

Address: 11-17 Forgham St. (Rt. 31)

Tax Map Ref. No. : 71111-09-059500

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

Mr. Lyon introduced the project on Rt. 31 adjacent to the Kwik Fill gas station and across from the McDonald’s and showed the site plan. Mr. Nicoletta explained that NYS DOT had given preliminary approval for one new curb cut that will accommodate entering and exiting vehicles. Mr. Guthrie asked if a traffic study had been done. Mr. Nicoletta stated that while no study was planned, the DOT is still processing their application. To his knowledge, there were 400 trips per day on that stretch of road and he did not anticipate the business generating more trips, only capturing a fraction of the existing traffic. It was clarified by Google Maps that there is a center turning lane in that section of roadway. Mr. Nicoletta said the entrance/exit was 140-ft from the next adjacent business entrance to the east. It was suggested to move the new entrance/exit as far west as possible. Mr. Krolak asked about tractor

trailer traffic and times. Mr. Nicoletta said the trucks can come anytime and will be able to make use of the proposed drive-around lane, on the outside of the parking and drive-thru lanes around the whole building. Mr. Peters asked about the width of the driving lanes. Mr. Nicoletta said they were 11-ft wide and that the facility would be able to stack 25-30 vehicles. They will be adding a sidewalk along the front perimeter. Mr. Peters, concerned with blocked parking, suggested slanted parking spaces.

A motion was made to recommend Approval of Site Plan and Special Operating Permit with comments and to send this to the local referring body for local action. **Motion** – Mr. Hutteman, **Second** – Mr. Peters. Chairman Milliman asked for voice vote. **Ayes** – 11, **Opposed** – 1 from Mr. Guthrie, **Abstention** – 1 from Mr. Burns. **Motion carried.**
Action – Return referral to the municipality with recommended approval with comments.

OTHER BUSINESS

Chairman Milliman asked for any administrative updates or communication. Mr. Lyon announced his promotion to Senior Planner and Ms. Hall's promotion from Senior Clerk to Secretary. Ms. Hall updated the board that the exceptions list was approved by resolution from two towns so far. She also thanked those who came to training in October and stated that all but one member had met the training requirements for the year. She reminded the board there will be no meeting in November and an early meeting in December. Mr. Hutteman reminded the board that officer nominations are due this month so that they can be voted on in December. The existing officers will rotate to the next highest position, with Mr. Milliman fulfilling his chairmanship, Mr. Guthrie moving to Chairman, Mr. Conklin to Vice-Chair resulting in an empty board secretary position. After some discussion on nominations, Mr. Peters nominated Ms. Marini to fill the position of Secretary for the 2023 operating year. Mr. Milliman seconded. All voted in the affirmative for the nomination. The full slate of officers will be presented at the December board meeting.

Hearing no other business, Chairman Milliman asked for a motion to adjourn. Motion – Mr. Hutteman, Second – Mr. Thorn. All members were in favor. Meeting adjourned at 7:31 p.m.

Respectfully submitted,



Deborah Hall, Secretary, Planning Dept.