

WAYNE COUNTY PLANNING BOARD

MINUTES - draft

October 27, 2021

Chairman, Mert Bartels called the meeting of the Wayne County Planning Board to order at 7:04 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), Ron Thorn (Galen), Bert Peters (Williamson), Kenneth Conklin (Ontario), Larry Ruth (Walworth) and Jim Wedman (Lyons). Twelve members in attendance represents a quorum of the Board. Bob Milliman (Wolcott) was absent. County staff in attendance were Bret DeRoo and Deb Hall. There were 12 members of the public in attendance, representing six of the applications for review.

MINUTES Chairman Bartels announced that minutes had not been included in the Board's review packet. A copy of the minutes were being passed around during the meeting for review and a vote would be taken at the end of the meeting.

“Zoning Board of Appeals” <https://dos.ny.gov/system/files/documents/2021/09/zoning-board-appeals-.pdf>

“Zoning and the Comprehensive Plan” <https://dos.ny.gov/system/files/documents/2021/09/zoning-and-the-comprehensive-plan.pdf>

“Creating the community you want: municipal options for land use control”
<https://dos.ny.gov/system/files/documents/2021/09/creating-the-communityyouwant.pdf>

ZONING AND SUBDIVISION REFERRALS

Seeing the amount of guests in attendance, Mr. Bartels explained the process for reviewing applications and that many would be voted in one vote as recommended by the preview committee for no county impact or NCI. Ms. Hall read the list of these applications that were being considered for no county impact. The following eight (8) referrals were then introduced and determined to have *no inter-municipal or countywide impact (NCI)*.

Pacello's Motor Vehicle Repair Shop, Town of Lyons

Use Variance, Tax ID # 70014-00-348094

Description: Applicant seeking expansion of existing ag equipment repair facility to include public Motor Vehicle Repair shop. The following comments were included.

- 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 Preview committee was curious if there are any comprehensive plan recommendations that would impact an application such as this.

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>

Details regarding each of the variance “hardship rules/test” can be found in this document. The following comments are recommended for consideration should the use variance be approved at the local level:

1. traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area, 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 Mt. Pleasant Rd. and no on-site development should impede available sight distances,
2. 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.,
 3. screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed commercial development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent land uses),
 4. outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
 5. any/all toxic/hazardous materials should be properly stored, handled and disposed of,
 6. “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses - if applicable),
 7. 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),
 8. 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),
 9. the proposed development must meet applicable local, federal and New York State (e.g. Department of Health, Department of Environmental Conservation - Phase II stormwater management and erosion and sediment control regulations, Uniform Fire Prevention and Building Codes, etc.) codes/regulations and
 10. future plans (if any) for the total acreage should be considered.

Heindel Subdivision Rd. Town of Ontario

Preliminary and Final Subdivision Plans. Tax ID # 61117-09-154528. Applicant seeking 2-lot subdivision. The following comments were included.

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 and
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., if applicable.

7064 Ontario Center Rd Subdivision, Town of Ontario

Preliminary/Final Subdivision & Preliminary/Final Site Plans. Tax ID # 62118-00-80064. Applicant seeking 3-lot subdivision and site plan for existing residence and two proposed single family residences. The following comments were included.

- 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) and
- 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.

Ontario Consolidated Sewer District, Town of Ontario.

Amendment to Map / Amendment to Text Sanitary Sewer Benefit Improvement Areas 1 & 2. Town as applicants is seeking to transition original sewer districts formed using Article 12c into Consolidated District using Article 12a. No Tax parcels identified. No further comments offered.

Marro Subdivision, Town of Savannah

Final Subdivision Plan. Tax ID # 78112-00-265499. Applicant seeking subdivision of 17 acre lot into two lots, one 15 acre with existing home and one 2 acre. The following comments were included.

- 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 and
- 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., if applicable.

Sodus Bay Outfitters, Village of Sodus Point

Special Permit for tax ID # 71119-18-442199 - Use of 1800 sq ft of Retail Space for daily rental of kayaks and beach bikes. Special Permit regarding parking details - 5 public spots requested for use - need to be finalized with the Village. The following comments were included.

- 1) use of the property 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 building/property maintenance, fencing, landscaping, etc., particularly given that the parcel is located on the highly traveled Greig Street/ Seaway Trail,
- 2) outside storage/display area(s) should be maintained in an orderly manner,
- 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 Greig Street,
- 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/total plans (if any) for the parcel/building should be considered,
- 9) Sodus Point’s Active Transportation Plan (ATP) and associated recommendations should be taken into consideration when reviewing the application (if applicable),
- 10) the property owner(s) should be aware that portions of the “parent 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.

7198 Salmon Creek Rd Site Plan, Town of Williamson

Final Site Plan (Amended) for tax ID # 65118-00-458768. Applicant seeking reapproval of site plan from 1993, for lot 4 of Brower Subdivision.

- 1) 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, etc.),
- 2) the driveway should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 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) future plans (if any) for the total acreage should be considered and
- 5) the property owner(s) should be aware that portions of the parcel appear to 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.

3520 Eddy Rd Subdivision, Town of Williamson

Final Subdivision Plan for tax ID # 65116-00-256837. Applicant seeking subdivision of 18 acre lot into two lots, one with 12 acre and existing residence, one with 5 acre vacant. The following comments were included.

- 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., if applicable and
- 7) 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.

After brief review and an offer for any guests associated with these projects to discuss these referrals, Mr. Bartels requested comments from the board. Hearing none, 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** – 12, **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.

Affronti Development, Town of Ontario

Amendment to Map for Tax ID # 63117-00-086314. Applicant seeking to rezone from SR Suburban Residential to IZ Incentive Zoning for development of town homes and mini-storage units.

Project engineer Linc Swedrock of BME Associates addressed the board regarding the proposed incentive zoning of 63 acres to be gifted to the Town of Ontario in exchange for higher density housing development. The incentive zoning would allow for 50 townhome units in exchange for open space which the Town could use for parks and recreation activities. Current zoning of SR does not allow for townhome development yet the Town identified townhomes as desirable housing inventory for added residential. Mr. Guthrie expressed concern regarding access points and the updating of a town master plan or comprehensive plan. Mr. Conklin asked for clarification that the proposed access roads are currently not roads but parking lot access driveways. He also asked for plans to protect a nearby cemetery as well as the specific proposed construction of the proposed emergency lane, to which Mr. Swedrock explained would be a grass strip coming in from Ridge Road with a gated entrance to the development. Mr. Affronti stated that the Town requested changes to access roads so that the traffic routes would promote use of nearby town amenities. Mr. Burns was concerned on another level, that the town has referred three projects this month, in addition to multiple applications in previous months, all with rezoning requests. He wanted to know when the comprehensive plan was going to be completed. The project site plan was discussed at length including concerns about traffic on Ridge Rd close to fire station and local town hall/library, as well as the anticipated demographics buying these proposed for sale town homes.

The following comments were also included.

- 1) the incentive zoning proposal 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>)
- 2) the proposed incentive zoning should meet the criteria/objectives that are required by the Town of Ontario for this effort,
- 3) 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.) and
- 4) the Town attorney should review and approve the proposed amendments.

For reference, the following documents and web link may contain useful information and are available from the NYS Department of State on their 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>

“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>

The following are additional comments to consider regarding the proposed development, should the rezoning be approved at the local level:

- 1) the anticipated project Traffic Study should be sent to the Wayne County Highway Department (Public Works Department) for review and all necessary approvals/recommendations must be obtained/forwarded

- (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 Ridge Road, highway design/maintenance provisions should be met, etc.). Consideration should be given to the overall traffic impacts this and other proposed developments will have on Ridge Road, particularly given the existing and proposed number of building lots, phasing/timing of development,
- 2) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway locations, 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 locations, 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 (development) streets and Ridge Road and no on-site development should impede available sight distances,
 - 3) local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, fire, law enforcement),
 - 4) 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.,
 - 5) 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),
 - 6) the proposed lots should meet zoning regulations for lot size, potential building setbacks etc.,
 - 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),
 - 9) future plans (if any) for the total acreage should be considered and
 - 10) the property owner(s) should be aware that portions of the “parent 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.

The following list contains 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 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.

It is anticipated there will be an opportunity to address the above items as the town proceeds with their comprehensive plan update and discusses overall development plans with the property owner(s).

After discussion, a motion was made to approve the requested Map Amendments with comments returned to the town. **Motion** – Mr. Peters, **Second** – Mr. Burns, Chairman Bartels requested voice vote. **Ayes** – 12, **Opposed** – None, **Abstention** – None. **Motion carried. Action** to return as local matter.

The next referral was introduced by Mr. DeRoo who invited project representative Al LaRue to address the board.

Four Mile Creek PUD, Town of Ontario

Amendment to Map for Tax ID # 61117-000-157309; 61117-00-212343; 61117-00-021204. Applicant seeking to rezone 230 acres from R2 Rural and SR Suburban Residential to PUD Planned Unit Development.

Mr. LaRue, engineer for the project, explained the project as 85 acres proposed for clearing and development, 15% of which would be open space. The remaining acreage would be a no build area. The proposal requested rezoning to Planned Unit Development to include a 12-phase construction plan that would extend until 2035. The project ultimately would include 97 single family homes, 28 duplex buildings and 19 apartment buildings for a total of 324 available dwelling units. Board members posed questions regarding access roads, traffic generation and emergency services. Again, the lack of a completed town comprehensive plan was an expressed concern for multiple rezoning requests.

The following comments were included.

- 1) the proposed rezoning 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”** <https://dos.ny.gov/system/files/documents/2021/09/zoning-and-the-comprehensive-plan.pdf>
- 2) the proposed rezoning should meet the criteria/objectives that are required by the Town of Ontario to rezone the proposed area to a Planned Unit Development (PUD),
- 3) 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.) and
- 4) the Town attorney should review and approve the proposed amendments.

For reference, the following documents and web link may contain useful information and are available from the NYS Department of State on their 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>

“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>

The following are additional comments to consider regarding the proposed development, should the rezoning be approved at the local level:

- 1) the anticipated project Traffic Study should be sent to the Wayne County Highway Department (Public Works Department) for review and all necessary 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 Ridge Road, highway design/maintenance provisions should be met, etc.). Consideration should be given to the overall traffic impacts this and other proposed developments will have on Ridge Road, particularly given the existing and proposed number of building lots, phasing/timing of development,
- 2) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway locations, 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 locations, 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 (development) streets and Ridge Road and no on-site development should impede available sight distances,
- 3) local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, fire, law enforcement),

- 4) 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.,
- 5) 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),
- 6) the proposed lots should meet zoning regulations for lot size, potential building setbacks etc.,
- 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),
- 9) future plans (if any) for the total acreage should be considered and
- 10) the property owner(s) should also be aware that portions of the parcel may contain (or be near) NYS Department of Environmental Conservation and National wetland areas (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.

The following list contains 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 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.

It is anticipated there will be an opportunity to address the above items as the town proceeds with their comprehensive plan update and discusses overall development plans with the property owner(s).

A motion was made to Approve Map Amendments with comments send back to the referring entity for local action. **Motion** – Mr. Burns, **Second** – Mr. Wedman, Chairman Bartels requested voice vote. **Ayes** – 11, **Opposed** – None, **Abstention** – Mr. Guthrie. **Motion carried**
Action – Return the matter as Approved with Comments to the referring entity for local action.

Centennial Village Sec 20 PUD Modification, Town of Ontario.

Amendment to Map for tax ID # 62117-14-376455. Applicant seeking Modification to existing site and land use configuration within approved PUD from 1975/76.

Mr. LaRue, also representing this application, discussed the plans for 9 acres of clearing and development proposed out of the remaining 16 acres of land contained within this existing PUD which includes multiple 8-unit apartment buildings with garages. The developers are working with a consultant on existing flood plain delineations but are requesting approval of the modifications before a new flood plain study is to be conducted due to the high cost of such a study. Mr. John Graziose, the developer, explained that a flood zone was established in the past due to an old culvert pipe which the County has since improved and expanded. Mr. Graziose was confident that the delineation would change due to this upgrade. The Board expressed concern that the site plan was premature, ahead of flood plain delineation.

The following comments were included.

Of concern, much of the proposed project area appears to be within a FEMA “Zone A1” flood zone area (Areas of 100-year flood; base elevations and flood hazard factors determined), per FEMA Map #3608950005B, effective June 01, 1978. It is understood that a flood zone analysis/study will need to be prepared to determine final design/density details. As a note, the originally approved PUD site plan - orig. 1975 and rev. 1989 - reportedly had 4 apt. bldgs, 4 duplexes, looped roadway, rec area, etc. At this time, 8 buildings, each with 8 units (64 total units), are being recommended by the Ontario PB for consideration by the Ontario Town Board.

- 1) the proposed rezoning 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”** <https://dos.ny.gov/system/files/documents/2021/09/zoning-and-the-comprehensive-plan.pdf> the proposed rezoning should meet the criteria/objectives that are required by the Town of Ontario to rezone the proposed area to a Planned Unit Development (PUD),
- 2) 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.) and
- 3) the Town attorney should review and approve the proposed amendments.

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

“Creating the community you want: municipal options for land use control”

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<https://dos.ny.gov/system/files/documents/2021/09/questions-for-the-analysis-and-evaluation-of-existing-zoning-regulations.pdf>

The following are additional comments to consider regarding the proposed development, should the rezoning be approved at the local level:

- 1) the anticipated project Traffic Study should be sent to the Wayne County Highway Department (Public Works Department) for review and all necessary 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 Ridge Road, highway design/maintenance provisions should be met, etc.). Consideration should be given to the overall traffic impacts this and other proposed developments will have on Ridge Road, particularly given the existing and proposed number of building lots, phasing/timing of development,
- 2) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway locations, 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 locations, 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 (development) streets and Ridge Road and no on-site development should impede available sight distances,
- 3) local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, fire, law enforcement),
- 4) 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.,
- 5) 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),
- 6) the proposed lots should meet zoning regulations for lot size, potential building setbacks etc.,

- 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),
- 9) future plans (if any) for the total acreage should be considered and
- 10) the property owner(s) should be aware that portions of the “parent parcel” appear to 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.

The following list contains 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 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.

After review and discussion, a motion was made to Disapprove with comments and send back to the referring entity for local action wherein to supersede the recommendation would require a supermajority vote of the governing board. **Motion** – Mr. Ruth, **Second** – Mr. Baker, Chairman Bartels requested voice vote. **Ayes** – 8, **Opposed** – 3, Mr. Bartels, Mr. Burns, Mr. Hutteman, **Abstention** – Mr. Conklin. **Motion carried.**
Action – Return these referral as Disapproved with Comments to the municipality to be handled as local matter.

Wilbert's - 1075 Route 104 Rezone, Town of Ontario

Amendment to Map / Amendment to Text (Local Law 2 of 2021 and Local Law 3 of 2021) for tax ID # 62117-00-182828. Applicant seeking Rezoning from R2 to Industrial via Local Law #2. Also establishing Vehicle Dismantling Law via Local Law #3.

Project attorney, Jerry Goldman, rose on behalf of the applicant to explain the project which is working with the town to rewrite the zoning and use code for a change of Junk Yard designation to Vehicle Dismantling, rezoning the parcel to Industrial, thus codifying the use. The draft comprehensive study in the Town of Ontario shows the Route 104 road frontage changing to industrial commercial. Mr. Guthrie asked why an applicant was proposing a local law change and not the town. Mr. Goldman explained that the applicant was working with the Town to set a precedent in “flagship code” as they have done in other towns where they operate. The Town has held public hearings with no comments to date. The details of the regulation have been reviewed by the local planning board. Josh Kuhn of Wilbert’s, a family owned business, rose as employee of the facility to alert the board to the economic success of the operation in Williamson and 7 other locations throughout the state where the company currently employs 190 people.

The following comments were included.

- 1) the proposed zoning map/code updates 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 (this comment is included in an effort to be consistent when considering proposed zoning code updates, but it is understood that the town attorney has reviewed this application).

For reference, the following documents and web link may contain useful information and are available from the NYS Department of State on their websites 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>

“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>

The following comments are recommended for consideration should the rezoning request be approved at the local level:

- 1) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area, 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 NYS Rt. 104 and no on-site development should impede available sight distances,
- 2) 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.,
- 3) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed commercial development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent land uses),
- 4) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 5) any/all toxic/hazardous materials should be properly stored, handled and disposed of,
- 6) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses - if applicable),
- 7) 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),
- 8) 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),
- 9) the proposed development must meet applicable local, federal and New York State (e.g. Department of Health, Department of Environmental Conservation - Phase II stormwater management and erosion and sediment control regulations, Uniform Fire Prevention and Building Codes, etc.) codes/regulations,
- 10) future plans (if any) for the total acreage should be considered and
- 11) 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.

A motion was made to Approve Map and Text Amendments with comments send back to the referring entity for local action. **Motion** – Mr. Ruth, **Second** – Mr. Krolak, Chairman Bartels requested voice vote. **Ayes** – 12, **Opposed** – None. **Abstention** – None. **Motion carried**
Action – Return this referral as Approved with comments.

OTHER BUSINESS –

Mr. Guthrie asked permission to address the board regarding the Town of Ontario in general. Mr. Bartels allowed Mr. Guthrie to express concern over the number of housing projects and rezoning applications recently being presented to the board from the Town of Ontario. He stated that the town ought to be seriously considering the impact the addition of these 400+ homes will have on emergency services as well as other requirements of town services such as water/sewer, highways, parks and rec. For the last two months, applicants from the Town of Ontario have cited a “draft” comprehensive plan yet no application from the Town has come before this board for review of the new Comprehensive Plan. Mr. Hutteman added that a traffic study should be done on for Ridge Road where much of the development is taking place. Mr. Peters suggested that a town representative be invited to the next County planning board meeting to explain their development goals. Mr. Burns agreed that fire and EMS services should be as important as traditional infrastructure. Mr. Peters suggested that Mr. DeRoo send a letter to the town expressing these concerns and inviting someone to come to the next meeting. There was no voice vote, but many expressed agreement to this suggestion and none expressed disagreement. Mr. DeRoo said he would pen a letter.

Mr. DeRoo reported a good turnout for the two and a half hour DOS training provided on October 7th. He reported that more training is available via GFLRPC and online at DOS. Mr. Wedman suggested that in many of the towns, planning/zoning board members are allowed to view pre-recorded webinars and still garner credit toward annual training requirements via the “honor system” reporting of having viewed these programs. No decision was made.

Mr. Bartels asked for three volunteers for the nominating committee. Mr. Guthrie, Mr. Hutteman and Mr. Krolak volunteered. Mr. Bartels accepted their service.

Mr. Bartels revisited the approval of Minutes. He asked for a motion to approve September 29, 2021 Planning Board minutes. **Motion** – Mr. Hutteman, **Second** – Mr. Conklin. **Abstention** – None. **Ayes** – 12. **Opposed** – None. **Motion Carried.** **Action** – Record the minutes as presented.

The next meeting is set to be held on the second Wednesday of the month of December, on December 8th, due to the holidays at the end of November and December. Hearing no other business, Chairman Bartels asked for motion to adjourn. Motion – Mr. Baker, Second – Mr. Conklin. All members were in favor. Meeting adjourned at 8:40 p.m.

Respectfully submitted,



Deborah Hall, Senior Clerk, Planning Dept.