

WAYNE COUNTY PLANNING BOARD

MINUTES

February 22, 2017

Chairman, Bob Hutteman called the February meeting of the Wayne County Planning Board to order at 7:00 p.m. in the Wayne County Courthouse in Lyons, New York.

Board Present: Ron Baker, Merton Bartels, Dave Broach, Rob Burns, Joe Catalano, Steve Guthrie, Bob Hutteman, Matt Krolak, Larry Lockwood, Bert Peters, Larry Ruth

Staff: Bret DeRoo, Tracy Lambie

JANUARY 2017 MINUTES

Action – Approve

Motion – Mr. Ruth

Second – Mr. Bartels

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

Frost Hill Farms and Kennels, 553 Glover Road, T. Galen

Special Permit, Tax Map Ref. No. 74110-00-969428

Kennel/Training for club use. James Bastedo presented.

Action – Approve with comments

Motion – Mr. Burns

Second – Mr. Krolak

Opposed –

Abstention –

Motion carried

Comments:

- 1) the kennel proposal and on-site activity (e.g. training) 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, noise abatement measures etc.,
- 2) all driveway sight distances (i.e. existing and proposed stone driveways) should meet American Association of State Highway and Transportation Officials (AASHTO) recommendations,
- 3) all applicable local, state and federal rules/regulations must be followed (e.g. Town of Galen Zoning Law, NYS Department of Health regulations – required distance between well(s) and wastewater treatment systems),
- 4) NYS Department of Agriculture and Markets and US Department of Agriculture kennel guidelines/regulations should be considered and followed, as applicable,
- 5) proper veterinary care and records should be provided,
- 6) “operational odors” and noises should be mitigated (e.g. outdoor kenneling/boarding should not be permitted),
- 7) animal waste must be properly disposed of,
- 8) provisions should be made to keep the dogs on the landowner(s) property at all times and
- 9) the applicant(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area and NYS Department of Environmental Conservation wetland area as well as FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

Additional information is available regarding dog care from sources such as the United States Department of Agriculture, the American Kennel Club, the Humane Society of the United States and the Humane Society of Wayne County, NY

The Board would ultimately like to ensure that the dogs are provided with adequate living conditions, including the space to receive daily exercise. Although not entirely applicable to this kennel proposal, NYS Department of Agriculture and Markets has guidelines for a Municipal Dog Shelter.

Basement Technologies, 476 Route 104, T. Ontario

Area Variance, Tax Map Ref. No. 61117-10-428604

50'x120' metal building for new business, existing motel bldg to be demolished. Patrick McDonald presented.

Action – Disapprove with comments

Motion – Mr. Burns

Second – Mr. Peters

Opposed – Mr. Broach, Mr. Lockwood

Abstention –

Motion carried

Comments:

The first two comments relate to the area variance requests. The remaining comments correspond mostly with the proposed site plan and are provided should the area variance applications be approved by the town and development proceed.

As a note, the Board does not necessarily wish to discourage development, but they did feel that the parcel contains enough area to consider using an alternative/modified site plan that meets town zoning regulations. They were concerned that the proposed 6' side setback (from the eastern property line) and distance between the existing and proposed buildings is minimal and would make items such as meeting NYS Uniform Fire Prevention and Building Codes, emergency service vehicle access, fire protection and on-site maintenance needs challenging. They also discussed the potential impacts that approving the proposed side setback request would have on the community character that the Town desires given current zoning regulations. The following are the comments:

- 1) the hardship criteria that are required to grant the area variances must be substantiated at the local level,
- 2) the minimum variances necessary should be considered,
- 3) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes – specifically, requirements pertaining to setbacks to property lines and between buildings and provide fire apparatus access in accordance with fire code, NYSDEC - Phase II stormwater management and erosion and sediment control regulations, etc.),
- 4) proposed on-site traffic circulation, building area(s) and associated parking area(s) 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,
- 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, police and fire),
- 6) development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled NYS Rt. 104 and near Ridge Road,
- 7) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 8) all toxic/hazardous materials that may be associated with the business (if applicable), should be properly stored, handled and disposed of and
- 9) future plans (if any) for the total acreage should be considered.

Keith VerPlank, 1683 Route 104, T. Ontario

Preliminary Site Plan, Tax Map Ref. No. 62117-12-958710

Preliminary site plan both phases, Phase 1, construct 12,000 sq. ft. bldg and additional mini storage units. Scott Prior of Lu Engineers and Keith VerPlank presented.

Action – Approve with comments

Motion – Mr. Ruth

Second – Mr. Peters

Opposed –

Abstention – Mr. Hutteman

Motion carried

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, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled NYS Rt. 104,
- 2) proposed on-site traffic circulation, building areas 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. 104,
- 3) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes, NYS DEC - Phase II stormwater management and erosion and sediment control regulations, NYS Department of Transportation – driveway work permit, etc.),
- 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, police and fire),
- 5) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 6) all toxic/hazardous materials that may be associated with any of the on-site businesses (if applicable), should be properly stored, handled and disposed of,
- 7) future plans (if any) for the total acreage should be considered and
- 8) the applicant(s) should be aware that portions of the parcel may contain (or be near) National wetland area and NYS DEC wetland area and any planning/development should be done in accordance with applicable regulations.

Paul Winslow, 5775 Route 21, T. Williamson

Use Variance, Tax Map Ref. No. 65117-00-708044

One 90'x52' mini storage building. Paul Winslow presented.

Action – Approve with comments

Motion – Mr. Catalano

Second – Mr. Baker

Opposed – Mr. Ruth

Abstention – Mr. Peters

Motion carried

Comments:

- 1) the hardship criteria (rules/test) that are required to grant the use variance must be substantiated at the local level and
- 2) the minimum variance necessary should be considered.

For reference, the NYS Department of State has a useful reference document available, "**Zoning Board of Appeals**", on their website.

Details regarding each of the use variance "hardship rules/test" and the requirement that the ZBA must find that each of the elements of the test have been met by the applicant can be found in this document.

Additional comments were made by the Board in relation to a potential (future) site plan should the use variance application be approved by the town and development proceed. Many of the comments below relate to items that the board is charged to review by General Municipal Law, Section 239-1.2. The Board would ultimately like to ensure that the proposed development is compatible with surrounding R1-zoned land uses. The comments related to a potential site plan (if applicable) follow:

- 1) development should be done in a manner that helps it remain compatible with existing on-site (e.g. 6 unit apartment) and surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled NYS Rt. 21,
- 2) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed commercial development remain compatible with surrounding land uses (e.g. mitigate visual and noise impacts, particularly as they relate to adjacent residential 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. The information could be useful for emergency service providers to review and know also,
- 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, police and fire),
- 5) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes, NYS Department of Environmental Conservation - Phase II stormwater management and erosion and sediment control regulations, NYS Department of Transportation - driveway work permit, etc.),
- 6) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 7) toxic/hazardous materials should not be stored in the proposed storage units and
- 8) future plans (if any) for the total acreage should be considered.

Laker Development Group, LLC, 531 Route 31, T. Macedon

Use Variance, Tax Map Ref. No. 61111-00-435966

Community solar system.

Action – Approve with Comments

Motion – Mr. Guthrie

Second – Mr. Ruth

Opposed –

Abstention – Mr. Bartels

Motion carried

Comments:

The first three comments relate to the use variance request and town regulations. The remaining comments correspond with the proposed solar system and are provided should the use variance application be approved by the town and development proceed. The following are the 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,
- 3) Macedon should consider adding photovoltaic/solar system regulations to the Town Code,
- 4) development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as system design/materials, fencing, berms, landscaping, etc.,
- 5) it should be confirmed that the solar panels will not produce a glare (possibly impacting neighboring property owners, motorists, etc.),
- 6) a photovoltaic system decommissioning plan should be intact,

- 7) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes, NYS Department of Environmental Conservation – Phase II stormwater management and erosion and sediment control regulations, NYS Office of Parks, Recreation and Historic Preservation/SHPO, US Army Corps of Engineers and US Fish and Wildlife Service),
- 8) the applicant(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area and NYS DEC wetland area as well as FEMA flood zone area and any planning/development should be done in accordance with applicable regulations and
- 9) future plans (if any) for the total acreage should be considered.

Beh Industrial Park Section 8, Phase 1, Beh Industrial Park / David Parkway, T. Ontario
Final Site Plan (reapproval), Tax Map Ref. No. 61117-00-112759

1,020 sq. ft. extension of David Parkway including all necessary utilities.

Action – Approve with comments

Motion – Mr. Guthrie

Second – Mr. Burns

Opposed –

Abstention –

Motion carried

Comments:

- 1) the proposed road extension must meet town development regulations, including maintenance and emergency service vehicle design standards, as reviewed and confirmed by personnel such as the town highway superintendent, emergency service providers, engineer and attorney,
- 2) the proposed road extension must also meet any/all applicable state and federal regulations (e.g. NYS DEC - Phase II stormwater management and erosion and sediment control regulations, NYS Department of Health, US Army Corps of Engineers etc.) and
- 3) future plans for the park should detail the proposed road connection back to Dean Parkway and the associated timeframe for completion.

For reference, the applicant(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area as well as FEMA flood zone area and any planning/development should be done in accordance with applicable regulations

The following referrals shown below were reviewed and determined to be of no intermunicipal or countywide impact:

Action – Return these referrals to the towns/villages to be handled as local matters

Motion – Mr. Ruth

Second – Mr. Bartels

Opposed –

Abstention –

Motion carried

Gregory Peck, 8237 E. Port Bay Road, T. Wolcott

Special Permit, Tax Map Ref. No. 75120-19-554102

Attach new roof to existing cottage roof to extend 4' wider than mobile home

Comments:

Many of the following items may not apply directly to the proposed roof extension, but the Board still felt they should be listed to provide consistent comments with this type of application, on property that is located near Port Bay:

- 1) the proposed roof extension should be sited so that it will not interfere with adjacent property owner(s) views of Port Bay,
- 2) the septic system must meet NYS Department of Health regulations (i.e. the proposed roof extension should not be within required septic system setbacks),
- 3) the proposed structure must meet NYS Uniform Fire Prevention and Building Codes, including setbacks from property lines,
- 4) 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
- 5) the property owner(s) should be aware that portions of the parcel may be near, or contain, both National wetland area and FEMA flood zone area) and any planning/development should be done in accordance with applicable regulations.

Andrew Stanton, 2538 Daansen Road, T. Macedon

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 64113-00-194014

0.275 acres to be conveyed

Comments:

- 1) the proposed lots should be configured with enough area for each lot to contain an existing and/or construct a new septic system that will meet NYS Department of Health 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) 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),
- 4) development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable),
- 5) future plans (if any) for the total acreage should be considered and
- 6) the applicant(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area and NYS DEC wetland area as well as FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

Walmart sign, 425 Route 31, T. Macedon

Area Variance, Tax Map Ref. No. 61111-00-320806

One additional building mounted sign

Comments:

- 1) the hardship criteria that are required to grant the area 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.

Other Business:

There being no further business, Mr. Ruth made a motion to adjourn the meeting. Seconded by Mr. Baker. The meeting was adjourned at 8:25 PM.

Respectfully submitted,

Tracy Lambie, Secretary