

# WAYNE COUNTY PLANNING BOARD

## MINUTES

April 26, 2017

Chairman, Bob Hutteman called the April 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, Ken Burgess, Rob Burns, Joe Catalano, Steve Guthrie, Bob Hutteman, Matt Krolak, Bert Peters, Larry Ruth, Ron Thorn

Staff: Bret DeRoo, Tracy Lambie

### MARCH 2017 MINUTES

**Action** – Approve

**Motion** – Mr. Peters

**Second** – Mr. Burgess

**Abstention** –

**Motion carried**

### ZONING AND SUBDIVISION REFERRALS

#### **Furnace Mini Storage, 6405 Furnace Road, T. Ontario**

Preliminary/Final Site Plan, Tax Map Ref. No. 63117-00-490841

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Demolition of existing house and additions to mini storage facility, Don Lewis of AEY presented.

**Action** – Approve with comments

**Motion** – Mr. Burns

**Second** – Mr. Bartels

**Opposed** – Mr. Broach

**Abstention** – Mr. Catalano

**Motion carried**

#### **Comments:**

- 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, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled Furnace Road,
- 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 Furnace Road,
- 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 Department of Environmental Conservation - Phase II stormwater management and erosion and sediment control regulations – if applicable, 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) there should be no storage of toxic/hazardous materials and
- 7) future plans (if any) for the total acreage should be considered.

**The following 2 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. Guthrie

**Second** – Mr. Catalano

**Opposed** –

**Abstention** –

**Motion carried**

**Kimberly Wyman, 3125 Kittering Road, T. Macedon**

Preliminary/Final Site Plan / Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61113-00-068669

3 lot subdivision/site plan, 4 lots including existing house

**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 (or connection to municipal sewer) that will meet local and/or 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. and
- 4) future plans (if any) for the total acreage should be considered.

**Hamman Site Plan, 7501 Slocum Rd, T. Ontario**

Preliminary/Final Site Plan, Tax Map Ref. No. 62119-00-149008

Single family residence

**Comments:**

- 1) the proposed septic system must meet NYS Department of Health regulations,
- 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) development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable),
- 5) the applicant(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 and
- 6) future plans (if any) for the total acreage should be considered.

**Arcadia Memorial Post 2883, VFW, 233 East Union Street, V. Newark**

Preliminary/Final Site Plan, Tax Map Ref. No. 68111-18-476046

16'x24' pavilion style wooden structure over outdoor grill

**Action** – Approve with comments

**Motion** – Mr. Guthrie

**Second** – Mr. Ruth

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) all applicable local and NYS codes should be followed and permits obtained (e.g. NYS Uniform Fire Prevention and Building Codes),
- 2) the proposed structure should be constructed no closer to the sidewalk than the existing VFW building (e.g. the front yard setback distances should be the same),
- 3) the proposed addition/use should not impact the NYS Department of Transportation Union Street right of way and
- 4) potential smoke impacts should be considered with regard to items such as compatibility with surrounding land uses and traffic impacts.

**Keith VerPlank, resubmit, 1683 Route 104, T. Ontario**

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

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Phase 1, mini storage, contractor storage. Scott Prior of Lu Engineers and Keith VerPlank presented.

**Action** – Approve with comments

**Motion** – Mr. Ruth

**Second** – Mr. Baker

**Opposed** –

**Abstention** – Mr. Catalano

**Motion carried**

**Comments:**

- 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, 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.

**Verizon Wireless Utility Pole, 13408 South Butler Road, T. Butler**

Special Permit / Site Plan, Tax Map Ref. No. 77114-17-065072

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50' telecommunications pole. Tom Greiner of Nixon Peabody presented.

**Action** – Approve with comments

**Motion** – Mr. Ruth

**Second** – Mr. Bartels

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) all available alternative sites should be exhausted, including the use of existing structures, prior to approval of any application,
- 2) visual and aesthetic impacts should be examined/mitigated and the proposed utility pole (tower) location and design implemented to be compatible with surrounding land uses. As examples, “stealth” utility pole (tower) design alternatives should be provided by the applicant to determine if there are options that would help the utility pole (tower) blend more easily with surrounding land uses and the pole (tower) should be located to maximize screening and also separation from surrounding structures,
- 3) the carrier should set aside a fund to be used in the event that the utility pole (tower) cannot be removed by the applicant. This will protect each municipality from corporate events such as bankruptcy and divestiture, as well as utility pole (tower) obsolescence,
- 4) the utility pole (tower) should be designed to have the ability to accommodate at least two additional carriers (the structural analysis should determine that the utility pole can compensate the additional load),
- 5) SEQR should be closely adhered to, ensuring that proper environmental reviews are conducted,
- 6) the carrier should provide a master plan for the development of proposed tower and/or utility pole sites throughout your municipality, prior to the approval of any additional applications and
- 7) 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 and any planning/development should be done in accordance with applicable regulations.

As a note, the Board also routinely comments that a tower “fall zone” should be completely contained on the applicant(s) property.

**Stephen Austin, 235 W. Main Street, V. Palmyra**

Use Variance, Tax Map Ref. No. 64111-11-524704

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Self-storage units in existing building, Steve Austin presented.

**This referral was reviewed and determined to be of no intermunicipal or countywide impact:**

**Action** – Return this referral to the Village to be handled as a local matter

**Motion** – Mr. Guthrie

**Second** – Mr. Ruth

**Opposed** –

**Abstention** – Mr. Krolak

**Motion carried**

**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) 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/property maintenance, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled Main Street (NYS Rt. 31/Canal Corridor),
- 4) proposed on-site traffic circulation, building area(s) 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 Main Street /NYS Rt. 31,
- 5) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes),
- 6) 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),
- 7) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),

- 8) there should be no storage of toxic/hazardous materials and
- 9) future plans (if any) for the total acreage should be considered.

In regard to the use variance application, the NYS Department of State has a useful reference document available, “**Zoning Board of Appeals**”, on their website.

**Brickchurch Solar, LLC, 8593 York Settlement Road, T. Sodus**

Special Permit, Tax Map Ref. No. 71116-00-646694

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Community solar project, Dan Compitello of Cypress Creek presented.

**Action** – Approve with comments

**Motion** – Mr. Guthrie

**Second** – Mr. Burns

**Opposed** –

**Abstention** – Mr. Baker, Mr. Peters

**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 system design/materials, fencing, berms, landscaping, etc., particularly given that the parcel is located adjacent to the highly traveled NYS Rt. 104,
- 2) it should be confirmed that the solar panels will not produce a glare and potentially impact motorists using NYS Rt. 104 or York Settlement Road,
- 3) future plans (if any) for the total acreage should be considered,
- 4) a photovoltaic system decommissioning plan should be intact,
- 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, NY State Historic Preservation Office, US Army Corps of Engineers, US Fish and Wildlife Service) and
- 6) the applicant(s) should be aware that portions of the parcel may contain (or be near) National wetland area and any planning/development should be done in accordance with applicable regulations.

**Steven Nicklus, 13493 Mixer Road, T. Wolcott**

Special Permit, Tax Map Ref. No. 77120-00-677231

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Install 1991 single wide mobile home on existing concrete pad.

A motion was made by Mr. Guthrie to disapprove based on the age of the mobile home. Seconded by Mr. Ruth. After more discussion, Mr. Guthrie rescinded his motion.

**Action** – Disapprove with comments

**Motion** – Mr. Catalano

**Second** – Mr. Peters

**Opposed** –

**Abstention** – Mr. Burgess

**Motion carried**

**Comments:**

The Board felt the application should have additional information to:

- 1) help them consider the items that they are charged to review by General Municipal Law, Section 239-1.2 (enclosed) and
- 2) meet the requirements that are listed in the “Town of Wolcott Land Use Code - Adopted July 18, 2000”, Section 402, Special Permits, such as the following items:

- a. All property lines and dimensions.
- b. All existing or proposed structures.
- c. All existing roads, easements, or proposed driveways.
- d. All existing or proposed wells and sanitary facilities.
- e. All bodies of water, streams, or wetlands.

The Board felt that having the required information is important, particularly given that the parcel appears to be near or contain National and NYS Department of Environmental Conservation wetland area as well as FEMA flood zone area (approximate reference map enclosed). If the Board does not have the current code, they have asked to be please be updated.

For reference, the following are comments that the Board has made in past (similar) reviews:

- 1) the proposed mobile home and site should be developed in an aesthetically pleasing manner (i.e. through use of building design/materials, landscaping, screening, etc.,
- 2) the septic system must meet NYS Department of Health regulations (i.e. the proposed mobile home should not be within required septic system setbacks, the system should be pumped and dye tested, etc.),
- 3) the proposed structure must meet NYS Uniform Fire Prevention and Building Codes, including setbacks from property lines and
- 4) 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.

**This following referrals were reviewed and determined to be of no intermunicipal or countywide impact:**

**Action** – Return these referrals to the Towns to be handled as local matters

**Motion** – Mr. Ruth

**Second** – Mr. Peters

**Opposed** –

**Abstention** –

**Motion carried**

**Rosenthal Solar Project, 2423 Route 88 N., T. Arcadia**

Use Variance, Tax Map Ref. No. 68112-00-867848, 68112-00-794804

Ground mounted solar

**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) the town may wish to consider adopting solar regulations which may help to promote renewable energy initiatives such as this while also potentially limiting the need to consider use variances (sample solar regulations are available upon request),
- 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., particularly given that the parcel is located on the highly traveled NYS Rt. 88,
- 5) it should be confirmed that the solar panels will not produce a glare and potentially impact motorists using NYS Rt. 88,
- 6) future plans (if any) for the total acreage should be considered,
- 7) a photovoltaic system decommissioning plan should be intact,
- 8) 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, US Army Corps of Engineers, US Fish and Wildlife Service and NY State Historic Preservation Office) 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 and any planning/development should be done in accordance with applicable regulations.

**Richard VanLaeken Solar System, 2680 Parker Road, T. Arcadia**

Use Variance, Tax Map Ref. No. 67113-00-841030

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Ground mounted solar

**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,
- 3) the town may wish to consider adopting solar regulations which may help to promote renewable energy initiatives such as this while also potentially limiting the need to consider use variances (sample solar regulations are available upon request),
- 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., particularly given that the parcel is located on the highly traveled NYS Rt. 88,
- 5) it should be confirmed that the solar panels will not produce a glare and potentially impact motorists using Parker Road,
- 6) future plans (if any) for the total acreage should be considered,
- 7) a photovoltaic system decommissioning plan should be intact,
- 8) 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, US Army Corps of Engineers, US Fish and Wildlife Service and NY State Historic Preservation Office) 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 and any planning/development should be done in accordance with applicable regulations.

**Lands of William, Virginia, Heather Boas, 1625 Route 441 / 3864 Downs Rd. T. Walworth**

Final Subdivision Plan, Tax Map Ref. No. 62114-00-905524, 62114-00-887704

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Subdivide 27 acres into 7.0 acres Downs Road and 20.06 acres Route 441, Subdivide 82.59 acres into 17.341 and 65.25 acres

**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 (or connection to municipal sewer) that will meet local and/or 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) future plans (if any) for the total acreage should be considered,
- 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. (if applicable) and
- 5) the applicant(s) should be aware that portions of the “parent parcels” appear to contain (or be near) National wetland area and NYS Department of Environmental Conservation wetland area and any planning/development should be done in accordance with applicable regulations.

**Abbott Subdivision, 1574 Hogback Road, T. Savannah**

Final Subdivision Plan, Tax Map Ref. No. 76111-00-897821

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2 lot subdivision

**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 (or connection to municipal sewer) that will meet local and/or 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) a driveway permit should be obtained from the Wayne County Highway Department (Wayne County Department of Public Works) should a new driveway be proposed to access Hogback Road,
- 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. (if applicable),
- 5) future plans, if any, for the total acreage should be considered (which appears to have been addressed) and
- 6) the applicant(s) should be aware that portions of the parcel appear to contain (or be near) FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

**Lavere Subdivision, 903 Olmstead Road, T. Savannah**

Final Subdivision Plan, Tax Map Ref. No. 76111-00-874014

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2 lot subdivision

**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 (or connection to municipal sewer) that will meet local and/or 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) future plans, if any, for the total acreage should be considered (which appears to have been addressed) and
- 5) the applicant(s) should be aware that portions of the parcel may contain (or be near) National wetland area and any planning/development should be done in accordance with applicable regulations.

**Other Business:**

The Board was informed of an upcoming training opportunity.

There being no further business, Mr. Baker made a motion to adjourn the meeting. Seconded by Mr. Bartels. The meeting was adjourned at 8:40 PM.

Respectfully submitted,  
Tracy Lambie, Secretary