

# WAYNE COUNTY PLANNING BOARD

## MINUTES

January 25, 2017

Chairman, Bob Hutteman called the January 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: Merton Bartels, Dave Broach, Steve Buisch, Rob Burns, Joe Catalano, Steve Guthrie, Bob Hutteman, Larry Lockwood, Bert Peters, Larry Ruth, Ron Thorn

Staff: Bret DeRoo, Tracy Lambie

### DECEMBER 2016 MINUTES

**Action** – Approve

**Motion** – Mr. Guthrie

**Second** – Mr. Bartels

**Abstention** – Mr. Ruth

**Motion carried**

### ZONING AND SUBDIVISION REFERRALS

**Kendra Burnaps / BFF Properties, 7109 Lake Road, T. Sodus**

Special Permit, Tax Map Ref. No. 69119-00-700039

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140' wind tower. Tyler Palmer of United Wind presented.

**Action** – Approve with comments

**Motion** – Mr. Guthrie

**Second** – Mr. Ruth

**Opposed** –

**Abstention** –

**Motion carried**

#### **Comments:**

- 1) turbine noise level data should be provided and the levels should not create a public nuisance,
- 2) the turbine should be installed by a certified installer,
- 3) if mounted to an existing structure, a licensed engineer should verify that there is (structural) capacity to meet the load requirements of the WECS,
- 4) an interconnection agreement (which includes technical, contractual, rate and metering issues) should be in place with the applicable utility company should the WECS be connected to the electric utility system or grid,
- 5) the proposal must be in compliance with FAA regulations,
- 6) anti-climb shields (or measures) should be intact,
- 7) the fall zone should be completely contained on the applicant(s) property,
- 8) there should be no structures within the fall zone (it is understood that NYS Department of Agriculture and Markets guidelines are potentially less restrictive regarding this item),
- 9) a decommissioning plan should be considered for the proposed system,
- 10) all applicable state (e.g. NYS Department of Environmental Conservation) and federal (e.g. US Fish and Wildlife Service) recommendations /regulations must be followed and permit(s) obtained including, but not necessarily limited to, those pertaining to eagles (if applicable) and
- 11) the property owner(s) should also be aware that portions of the “parent parcel” may contain (or be near) National wetland area and FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

**Used Auto Dealership, 513 West Union Street, V. Newark**  
Special Permit, Tax Map Ref. No. 67111-20-941075  
Albert Smith presented.

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**Action** – Approve with comments

**Motion** – Mr. Ruth

**Second** – Mr. Buisch

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) development should proceed in a manner that keeps it compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building and property maintenance, screening (e.g. fencing and berms) landscaping, etc., particularly given that the parcel is located on the highly traveled West Union Street/NYS Canal Corridor,
- 2) proposed on-site traffic circulation, auto display, parking area(s) and total number of available parking spaces should be confirmed and be compatible with existing on-site uses,
- 3) painted striping should be added/used on the site to clearly identify parking areas/stalls and desired traffic flow,
- 4) displayed vehicles should not impede available access/driveway sight distances,
- 5) the building (retail space) must meet NYS Uniform Fire Prevention and Building Codes,
- 6) security measures should be intact (e.g. the site should be lighted),
- 7) emergency service vehicle access should be provided for,
- 8) the property owner(s) should also 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,
- 9) all necessary local and state recommendations and approvals/permits must be followed/obtained should on-site auto repair work ever be proposed (e.g. NYS Department of Motor Vehicles and NYS Department of Environmental Conservation),
- 10) outside storage of automobiles should be limited, particularly items in poor repair (if ever applicable),
- 11) “operational noises” should be mitigated if auto repair work is ever proposed (i.e. noise generated by business activity should not impact nearby land uses) and
- 12) toxic/hazardous materials should be properly stored, handled and disposed of (if ever applicable).

Based on the number and types of businesses that occupy this site, the Board felt it would be helpful to have a scaled and updated site plan (i.e. as businesses change) that illustrates building locations and floor plans, associated businesses, respective parking areas and on-site traffic circulation. The information could be useful for emergency service providers to review and know also. The Board would ultimately like to ensure that all on-site businesses, as well as surrounding land uses, are compatible and safe.

**Quarry Bend Properties, LLC, 3579 Route 31, T. Palmyra**  
Final Subdivision Plan, Tax Map Ref. No. 65111-00-340593  
Dave Koeberle presented.

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**Action** – Approve with comments

**Motion** – Mr. Burns

**Second** – Mr. Peters

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) the proposed subdivision 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 subdivision 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 development (if any) 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 development (if any) 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 property owner(s) should also be aware that portions of the “parent parcel” may contain (or be near) National wetland area and any planning/development should be done in accordance with applicable regulations.

**Rezoning, 48 Sodus St, 6, 15, 19, 22 W. Genesee St., V. Clyde**

Amend Map, Tax Map Ref. No. 74112-14-315385, 74112-14-307391, 74112-14-315413, 74112-14-311418, 74112-14-299394

Tom Sawtelle presented.

**Action** – Approve with comments

**Motion** – Mr. Peters

**Second** – Mr. Ruth

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) the proposed zoning 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” – According to this document, “The question of whether a rezoning constitutes “spot zoning” should be answered by determining whether the rezoning was done to benefit individual owners rather than pursuant to a comprehensive plan for the general welfare of the community” and
- 2) the Village attorney should review and approve the proposed amendments.

**Clyde Blockhouse/Blockhouse Park, 99 East Genesee St./Route 31, V. Clyde**

Historic Designation, Tax Map Ref. No. 74112-14-457270, 74112-14-419300, 74112-14-443263

Designate replica Clyde Blockhouse as Historic Structure under local law. Tom Sawtelle 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. Peters

**Second** – Mr. Guthrie

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) the Board felt that it would be beneficial to know how this proposed historic structure designation compares to others in the Village (existing and proposed) as well as recommendations found in the Village’s Comprehensive Plan. For reference, the James A. Coon Local Government Technical Series, “Zoning and the Comprehensive Plan” is available online and “Legal Aspects of Municipal Historic Preservation” is also available online,

- 2) consideration should be given to how implementing the proposed historic designation will potentially impact other allowable/permitted on-site uses (i.e. what other uses will be permitted in the future on the remainder of the parcel?),
- 3) the Village attorney should review and approve the proposed amendments and
- 4) the Village should also be aware that portions of the parcels listed in the application may 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.

**Locust Grove Cemetery, Turnpike Road, T. Galen**

Special Permit, Tax Map Ref. No. 74110-00-631248

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Establish Mennonite cemetery.

**Action** – Approve with comments

**Motion** – Mr. Ruth

**Second** – Mr. Peters

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) any/all applicable local, federal and state (e.g. NYS Department of Health, NYS Department of State) cemetery rules/regulations must be followed,
- 2) the proposed site should have enough area to provide off-street parking for all anticipated services and
- 3) the property owner(s) should also be aware that portions of the “parent parcel” (acreage on east side of NYS Rt. 414) may contain, or be near, National wetland area and any planning/development should be done in accordance with applicable regulations.

For reference, the NYS Department of State has cemetery related information available online.

**King Masters, 2769 Gannett Road, T. Galen**

Special Permit, Tax Map Ref. No. 72113-00-369252

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Dog breeding and training kennel.

**Action** – Approve with comments

**Motion** – Mr. Guthrie

**Second** – Mr. Buisch

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) the kennel proposal and on-site activity (e.g. dog breeding and 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) driveway sight distances 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 regulations),
- 4) NYS Department of Agriculture and Markets and USDA kennel guidelines/regulations should be considered and followed, if applicable (i.e. given the number of breeding females),
- 5) “operational odors” and noises should be mitigated,
- 6) animal waste must be properly disposed of,
- 7) outdoor boarding should not be permitted (noise and odor mitigation measure),
- 8) provisions should be made to keep the dogs on the landowner(s) property at all times and

- 9) proper veterinary care and records should be provided.

Additional information is available regarding dog care from online sources such as the Humane Society of Wayne County, NY and the Humane Society of the United States.

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 guidelines for a “Municipal Dog Shelter” are available online.

**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. Burns

**Second** – Mr. Peters

**Opposed** –

**Abstention** –

**Motion carried**

**Burns Subdivison/Site Plan, 7079 Ontario Center Road, T. Ontario**

Preliminary/Final Subdivision / Preliminary/Final Site, Tax Map Ref. No. 62118-00-739648

2 lot subdivision, 1 site plan

**Comments:**

- 1) the proposed lots should be configured with enough area 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.,
- 4) development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable) and
- 5) future plans for the total acreage should be considered.

**Smith Subdivison/Site, 6587 Lakeside Road, T. Ontario**

Preliminary/Final Subdivision / Preliminary/Final Site, Tax Map Ref. No. 61118-00-830029

2 lot subdivision, 1 site plan

**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) the proposed driveway will require a permit from the Wayne County Highway Department (Department of Public Works),
- 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.,
- 5) development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable),
- 6) future plans (if any) for the total acreage should be considered and

- 7) the property owner(s) should also be aware that portions of the “parent parcel” may contain (or be near) FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

**Burger King, 710 West Union Street, V. Newark**

Area Variance, Tax Map Ref. No. 67111-20-863019

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2<sup>nd</sup> attached sign

**Comments:**

- 1) the hardship criteria that are required to grant the area variance must be substantiated at the local level and
- 2) the Village 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. Peters made a motion to adjourn the meeting. Seconded by Mr. Bartels. The meeting was adjourned at 7:53 PM.

Respectfully submitted,  
Tracy Lambie, Secretary