

**WAYNE COUNTY PLANNING BOARD**

**MINUTES**

May 31, 2017

Vice-Chairman, Matt Krolak called the May 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, Steve Buisch, Ken Burgess, Rob Burns, Joe Catalano, Steve Guthrie, Matt Krolak, Larry Lockwood, Bert Peters, Larry Ruth, Ron Thorn

Staff: Bret DeRoo

**APRIL 2017 MINUTES**

**Action** – Approve

**Motion** – Mr. Peters

**Second** – Mr. Burgess

**Abstention** –

**Motion carried**

**ZONING AND SUBDIVISION REFERRALS**

**This following 7 referrals 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. Baker

**Second** – Mr. Burns

**Opposed** –

**Abstention** –

**Motion carried**

**Shawn and Amy Olmstead, 528 East Avenue, V. Newark**

Use Variance, Tax Map Ref. No. 68110-06-441807

Non-conforming use (apartment) that was discontinued for one year.

**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/adequate should be considered,
- 3) 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/property maintenance, fencing, berms, landscaping, etc.,
- 4) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes),
- 5) emergency service vehicle access should be provided for and local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire) and
- 6) future plans (if any) for the total acreage should be considered.

**Linda and William Lerch, 9382 Sunset Lane, T. Huron**

Special Permit, Tax Map Ref. No. 72118-19-554200

Short term rental

**Comments:**

- 1) property use/development should proceed in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as property maintenance, fencing, berms, landscaping, etc., particularly given that the parcel is located near Great Sodus Bay,
- 2) on-site traffic circulation, parking area(s) and total number of available parking spaces should be determined/delineated,
- 3) emergency service vehicle access should be planned and provided for,
- 4) the rented structure(s) must meet applicable NYS Uniform Fire Prevention and Building Codes given the proposed use,
- 5) the onsite wastewater treatment system must meet applicable local and NYS codes and
- 6) the property owner(s) should be aware that portions of the parcel may 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.

**John Friends, 7515 Phelps Avenue, T. Huron**

Special Permit, Tax Map Ref. No. 72119-18-401194

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Short term rental

**Comments:**

- 1) property use/development should proceed in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as property maintenance, fencing, berms, landscaping, etc., particularly given that the parcel is located near Great Sodus Bay,
- 2) on-site traffic circulation, parking area(s) and total number of available parking spaces should be determined/delineated,
- 3) emergency service vehicle access should be planned and provided for,
- 4) the rented structure(s) must meet applicable NYS Uniform Fire Prevention and Building Codes given the proposed use,
- 5) the onsite wastewater treatment system must meet applicable local and NYS codes and
- 6) the property owner(s) should be aware that portions of the parcel may 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.

**Nathan Oehlbeck, 1344 Alderman Road, T. Macedon**

Area Variance, Tax Map Ref. No. 63111-00-490480

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40'x60'x14' pole barn larger than residence

**Comments:**

- 1) the hardship criteria (rules/test) that are required to grant the area variance must be substantiated at the local level,
- 2) the minimum variance necessary/adequate 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.

**Metro PCS, 221 West Union Street, V. Newark**

Use Variance, Tax Map Ref. No. 68111-18-267051

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Internally lit attached wall sign

**Comments:**

- 1) hardship criteria (rules/test) that are required to grant the use variance must be substantiated at the local level,
- 2) the minimum variance necessary/adequate should be considered and
- 3) the Village may wish to review applicable regulations to determine if they still meet intended objectives should there be repeated requests for similar variances.

The board was informed that gooseneck lighting has been used as an alternative to using internally lit signs.

**Krocke Subdivision, 595/5644 Joy Road, T. Sodus**

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 67116-00-958040

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**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 and
- 5) 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.

**Fox Subdivision, 4959 Fish Farm Road, T. Sodus**

Preliminary Subdivision Plan, Tax Map Ref. No. 69115-00-147951

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**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 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.

**Intergrow Greenhouses, Inc., 493, 577, 663 Route 104, 598 Berg Road, T. Ontario**

Special Permit / Preliminary/Final Subdivision Plan / Preliminary/Final Site Plan, Tax Map Ref. No. 61117-00-433805, 61117-00-524965, 61117-00-577783, 61117-00-657785

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**Action** – Approve with comments

**Motion** – Mr. Ruth

**Second** – Mr. Guthrie

**Opposed** –

**Abstention** – Mr. Catalano

**Motion carried**

**Comments:**

- 1) the tax parcels appear to contain (or be near) both National wetland area and NYS Department of Environmental Conservation wetland area (approximate mapping available for both online at <http://www.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations,

- 2) proposed on-site traffic circulation, building areas and associated parking areas should be designed/developed in a manner that will provide safe interaction between those items as well as access to Timothy Lane,
- 3) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations and on-site development should not impede available sight distance,
- 4) any toxic/hazardous materials should be properly stored, handled and disposed of,
- 5) future plans (if any) for the total acreage should be considered and
- 6) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Department of Environmental Conservation-Phase II Stormwater Management and Erosion and Sediment Control Plans, Wetland permit(s), NYS Uniform Fire Prevention and Building Codes, etc.).

**Capital Telecom Walworth #1 Wireless Telecommunication facility, 3615 Baker Road, T. Walworth**  
Special Permit/Final Site Plan, Tax Map Ref. No. 62114-00-508310

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118' (with lightning rod) monopole with fenced compound.

**Action** – Approve with comments

**Motion** – Mr. Buisch

**Second** – Mr. Catalano

**Opposed** –

**Abstention** – Mr. Ruth

**Motion carried**

**Comments:**

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

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

**Wilcox Service, 6441 Fisher Road, T. Ontario**  
Preliminary/Final Site Plan, Tax Map Ref. No. 64117-00-128863

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1,800 sq. ft. warehouse for HVAC business

**Action** – Approve with comments

**Motion** – Mr. Guthrie

**Second** – Mr. Peters

**Opposed** –

**Abstention –**  
**Motion carried**

**Comments:**

- 1) the site’s access driveway should meet local and/or NYS Uniform Fire Prevention and Building Codes, particularly given that it will be used to service the proposed commercial use as well as existing residential uses,
- 2) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations,
- 3) proposed on-site traffic circulation, building areas and associated parking areas should be designed/developed in a manner that will provide safe interaction between those items as well as access to the driveway,
- 4) emergency service vehicle access should be provided for,
- 5) 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, property maintenance, etc., particularly given that the parcel is located near the highly traveled NYS Rt. 104 and adjacent residential uses,
- 6) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact nearby residential uses),
- 7) outside storage should be limited (e.g. equipment in disrepair should not be permitted to accumulate),
- 8) any/all hazardous/toxic materials must be properly stored, handled and disposed of,
- 9) any/all necessary local, state and federal (e.g. NYS Uniform Fire Prevention and Building Codes) approvals/permits/recommendations must be followed/obtained and
- 10) the property owner(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.

**Local Law No. 3 of 2017, T. Huron**

Amend Text

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Amend zoning law to add/modify provisions re: animal/fowl sheltering, storage structures, scientific stations, clubs, telecommunications facilities, farm operations, to make technical corrections

**Action** – Approve with comments

**Motion** – Mr. Peters

**Second** – Mr. Burgess

**Opposed** –

**Abstention** – Mr. Lockwood

**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” and
- 2) the Town attorney should review and approve the proposed amendments.

For reference, documents that may contain useful information are available from the NYS Department of State and the NYS Department of Agriculture websites.

**Other Business:**

There being no further business, Mr. Bartels made a motion to adjourn the meeting. Seconded by Mr. Burgess. The meeting was adjourned at 7:50 PM.

Respectfully submitted,  
Tracy Lambie, Secretary