

WAYNE COUNTY PLANNING BOARD

MINUTES

October 26, 2016

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

Staff: Bret DeRoo, Tracy Lambie

SEPTEMBER 2016 MINUTES

Action – Approve

Motion – Mr. Peters

Second – Mr. Bartels

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

The first 2 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. Guthrie

Second – Mr. Ruth

Opposed –

Abstention –

Motion carried

Lisa Rush, 8271 Ridge Road, T. Sodus

Special Permit, Tax Map Ref. No. 71117-00-157157

Keeping 4 dogs, requires kennel permit

Comments:

- 1) on-site activity (e.g. keeping dogs) 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, property maintenance, fencing, berms, landscaping, noise abatement measures etc. and
- 2) information is available regarding dog care from online sources such as the Humane Society of Wayne County, NY @ <http://www.hswaynepets.org/> and the Humane Society of the United States @ <http://www.humanesociety.org/animals/dogs/tips/?referrer=https://www.google.com/>

Bob Mills Subdivision, Bay View Drive, V. Sodus Point

Area Variance / Preliminary/Final Subdivision Plan, Tax Map Ref. No. 71118-09-214621

2 lot subdivision

Comments:

- 1) the proposed subdivision should be designed in a manner that will allow each lot to meet NYS Department of Health/Village wastewater treatment regulations,
- 2) the proposed development 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 helps it remain 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 hardship criteria that are required to grant the area variance must be substantiated at the local level.

United Wind / John Crane, 10875 Wright Road, T. Huron

Special Permit, Tax Map Ref. No. 74119-00-383861

153' wind turbine. Tyler Palmer of United Wind presented. There was some public comment.

A motion was made by Mr. Ruth to deny, seconded by Mr. Bartels. Opposed – Mr. Burns, Mr. Thorn, Mr. Hutteman, Mr. Baker, Mr. Catalano. Abstentions -- Mr. Lockwood and Mr. Peters. The motion did not carry. There was additional discussion.

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

Action – Return this referral to the Town to be handled as local matters

Motion – Mr. Peters

Second – Mr. Catalano

Opposed – Mr. Ruth, Mr. Bartels

Abstention – Mr. Lockwood

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 parcel may contain (or be near) National wetland area (mapping available online at <http://www.fws.gov/wetlands/Data/Mapper.html>), NYSDEC wetland area (mapping available online at <http://www.dec.ny.gov/imsmaps/ERM/viewer.htm>) as well as FEMA flood zone area (mapping available online at (<https://msc.fema.gov/portal>)) and any planning/development should be done in accordance with applicable regulations.

Telecom cell tower, 8190 Lake Street Ext., V. Sodus Point

Special Permit/Preliminary/Final Site Plan, Tax Map Ref. No. 71119-17-095226

115' cell tower. Nate Vanderwall of Nixon Peabody and Mike Ritchie of Costich Engineering presented.

Mr. Ruth made a motion to approve with comments, seconded by Mr. Thorn. Opposed – Mr. Peters, Mr. Burns, Mr. Guthrie. Mr. Baker abstained. Motion did not carry. After additional discussion, Mr. Burns made a motion

to deny, seconded by Mr. Peters. Opposed – Mr. Thorn, Mr. Ruth, Mr. Hutteman, Mr. Bartels. Mr. Baker abstained. Motion did not carry.

After additional discussion:

Action – Approve with comments

Motion – Mr. Burgess

Second – Mr. Ruth

Opposed –

Abstention – Mr. Baker

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 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,
- 3) 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,
- 4) 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),
- 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 sites throughout your municipality, prior to the approval of any additional applications and
- 7) the property owner(s) should also be aware that portions of the parcel may contain (or be near) National wetland area (mapping available online at <http://www.fws.gov/wetlands/Data/Mapper.html>), FEMA flood zone area (mapping available online at (<https://msc.fema.gov/portal>)) as well as Coastal Erosion Hazard Area and any planning/development should be done in accordance with applicable regulations.

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

Carole West / United Wind, 5591 Stone Road, T. Huron

Special Permit, Tax Map Ref. No. 75116-00-202769

153’ wind turbine. Tyler Palmer of United Wind presented.

Action – Approve with comments

Motion – Mr. Catalano

Second – Mr. Baker

Opposed –

Abstention – Mr. Lockwood

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,
- 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 parcel may contain (or be near) National wetland area (mapping available online at <http://www.fws.gov/wetlands/Data/Mapper.html>), NYSDEC wetland area (mapping available online at <http://www.dec.ny.gov/imsmaps/ERM/viewer.htm>) as well as FEMA flood zone area (mapping available online at (<https://msc.fema.gov/portal>)) and any planning/development should be done in accordance with applicable regulations.

Updated Comprehensive Plan, T. Walworth
Amend Text

Action – Approve with Comments

Motion – Mr. Guthrie

Second – Mr. Hutteman

Opposed –

Abstention – Mr. Ruth

Motion carried

Comments:

The Town attorney should review and also approve of the proposed amendments.

For reference, the following documents may contain useful reference information and are available from the NYS Department of State and NYS Department of Agriculture and Markets on their websites as follows:

1. “Zoning and the Comprehensive Plan” @

http://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf

2. “Creating the Community You Want: Municipal Options for Land Use Control” @

http://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf

3. “Questions for the Analysis and Evaluation of Existing Zoning Regulations” @

http://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf

4. “Local Laws and Agricultural Districts: Guidance for Local Governments and Farmers” @

<http://www.agriculture.ny.gov/AP/agsservices/new305/305-aGuidance.pdf>

Other Business:

There was discussion regarding obtaining more information regarding towers (cell/wind) as the Board is starting to see them more frequently.

Nominating Committee: Election of 2017 Officers will take place at the December meeting. The Nominating Committee consists of Mr. Guthrie, Mr. Bartels and Mr. Baker.

There being no further business, the meeting was adjourned at 9:10 PM.

Respectfully submitted,
 Tracy Lambie, Secretary