

## WAYNE COUNTY PLANNING BOARD

### MINUTES

October 28, 2015

Chairman, Dave Broach 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, Dave Broach, Ken Burgess, Robert Burns, Steve Guthrie, Bob Hutteman, Matt Krolak, Larry Lockwood, Bert Peters, Larry Ruth, Ron Thorn

Staff: Bret DeRoo, Tracy Lambie

### SEPTEMBER 2015 MINUTES

**Action** – Approve

**Motion** – Mr. Peters

**Second** – Mr. Hutteman

**Abstention** –

**Motion carried**

### ZONING AND SUBDIVISION REFERRALS

#### **Waste Management / High Acres, 281 Quaker Road, T. Macedon**

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61112-00-186662, 61112-00-438691, 61112-00-306695, 61112-00-18758

Merge 4 parcels and subdivide into 2. Dan Savage and Jeff Richardson presented.

**Action** – Approve with Comments

**Motion** – Mr. Ruth

**Second** – Mr. Burns

**Opposed** –

**Abstention** –

**Motion carried**

#### **Comments:**

Although the Board only reviewed the proposed subdivision plan at the meeting, they did offer the following comments for consideration regarding the anticipated/forthcoming Macedon Fill Permit:

- 1) all applicable federal, state and local permits / approvals must be obtained regarding the proposed action (e.g. NYS Department of Environmental Conservation permits – solid waste permit modification?, updated SEQR?, new storm water management and erosion and sediment control plans),
- 2) visual impacts of the proposed fill operation should be considered /assessed, particularly given the proposal to create an “enhanced drumlin” with approx. 3.1 million cubic yards of soil (same maximum elevation as the existing drumlin, but wider?),
- 3) traffic impacts should be considered, particularly given the amount of truck trips that will likely be needed to transport the soil across Perinton Parkway/Quaker Road,
- 4) future plans (if any) for the total acreage should be considered (i.e. is this proposal part of the existing NYS DEC solid waste permit, or is a modification necessary? does Waste Management have additional expansion plans or other anticipated modifications to their operation?) and
- 5) the property owner/s should 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>) and NYSDEC wetland area (mapping available online at <http://www.dec.ny.gov/imsmaps/ERM/viewer.htm>) and any planning/development should be done in accordance with applicable regulations.

**Newark Auto Brokers, 1121 East Union Street, V. Newark**  
Special Permit, Tax Map Ref. No. 68110-08-861990

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Used car sales. Ioannis Babasidis presented.

**Action** – Approve with Comments

**Motion** – Mr. Guthrie

**Second** – Mr. Peters

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) on-site traffic circulation, auto display, parking area/s and total number of available parking spaces should be determined/delineated,
- 2) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations (i.e. displayed vehicles should not impede sight distance),
- 3) emergency service vehicle access should be provided for,
- 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 building design/materials, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled NYS Rt. 31,
- 5) outside storage should be limited (e.g. equipment in disrepair should not be permitted to accumulate),
- 6) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact nearby residential uses),
- 7) any /all hazardous/toxic materials must be properly stored, handled and disposed of,
- 8) the building/garage must meet applicable NYS Uniform Fire Prevention and Building Codes given the proposed use and
- 9) any/all necessary local and state (e.g. NYS Department of Environmental Conservation should auto repair work ever be proposed) approvals/permits/recommendations must be followed/obtained.

**Kevin Sucher, 7059 Ontario Center Road, T. Ontario**

Special Permit, Tax Map Ref. No. 62118-00-728621

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Ground mounted solar system. Ernie Pritchard of SED presented.

**Action** – Approve with Comments

**Motion** – Mr. Hutteman

**Second** – Mr. Ruth

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

The proposed photovoltaic system should be designed and installed in a manner that will help it remain compatible with surrounding land uses.

The Board does not have an established set of comments/recommendations yet regarding photovoltaic systems, but they would like to begin working on some and have them available for consideration in the near future. In the meantime, the Board has referenced a presentation that was used by land use training specialists from the NYS Department of State for a training they offered locally in September 2015. The following are items that the board feels could be considered when reviewing photovoltaic system applications in the future (Source: NYS Department of State, Division of Local Government Services, “Solar Energy Regulation“ presentation):

**Compatibility with neighborhood character:**

1. Do not negatively impact adjacent uses

2. Visually compatible
  - a. For example, potential impact includes glare or reflection, which might be nuisance to other property owner or impair visibility of motor vehicle drivers
3. Use sensitivity especially in areas containing unique architectural styles or historic structures

**Review elements:**

- 1) Access to solar energy
- 2) Casting shadows
- 3) Blocking view sheds
- 4) Causing glare
- 5) Rain run-off

**Decommissioning provisions:**

- Some municipalities address abandonment, decommissioning or “cessation of activity” within their regulations
- For example, “Must ensure site will be restored to useful, nonhazardous condition, including completion time frame for complete removal of collectors, mounts and other associated equipment and facilities”
- Some require decommissioning plans, especially for commercial scale projects

There was some discussion by the Board about setting some standard solar comments for residential and commercial systems as these will become more common going forward. Mr. DeRoo will do some research.

**Peter Bogino, 2569 (2553) Route 104, T. Ontario**

Special Permit / Final Site Plan, Tax Map Ref. No. 64117-00-036834

Used car sales.

**Action** – Approve with Comments

**Motion** – Mr. Hutteman

**Second** – Mr. Ruth

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) details regarding which driveway/s will be used for the proposed used car dealership should be confirmed (i.e. Will the Fisher Road and/or NYS Rt. 104 driveway be used? If the Fisher Rd. driveway is proposed for use, is a commercially-used driveway compatible with surrounding land uses? If the NYS Rt. 104 access is proposed for use, does it meet Ontario Midland Railroad standards?),
- 2) Ontario Midland Railroad should be contacted to determine specific use details regarding the NYS Rt. 104 driveway (currently reported as a “farm crossing”, not an “industrial crossing”),
- 3) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations,
- 4) on-site traffic circulation, auto display and parking area/s should be determined/delineated,
- 5) emergency service vehicle access should be provided for,
- 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, property maintenance, etc., particularly given that the parcel is located on the highly traveled NYS Rt. 104,
- 7) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact nearby residential uses),
- 8) outside storage should be limited (e.g. equipment in disrepair should not be permitted to accumulate),

- 9) any /all hazardous/toxic materials must be properly stored, handled and disposed of,
- 10) the building that is proposed for use must meet applicable NYS Uniform Fire Prevention and Building Codes,
- 11) any/all necessary local and state (e.g. NYS Department of Environmental Conservation) approvals/permits/recommendations must be followed/obtained and
- 12) the property owner/s should 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>) and any planning/development should be done in accordance with applicable regulations.

**Local Law #3 of 2015 – Fee schedules, T. Walworth**

Amend Text

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**Action** – Approve with Comments

**Motion** – Mr. Hutteman

**Second** – Mr. Burgess

**Opposed** –

**Abstention** – Mr. Ruth, Mr. Burns

**Motion carried**

**Comments:**

The Town attorney should review and approve the proposed Local Law.

**The following 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. Thorn

**Opposed** –

**Abstention** –

**Motion carried**

**Captain Jack’s, 8505 Greig Street, V. Sodus Point**

Special Permit, Tax Map Ref. No. 71119-18-458175

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3 decks over water

**Comments:**

- 1) any/all necessary NYS Department of Environmental Conservation and U.S. Army Corps of Engineers approvals/permits must be obtained,
- 2) the Board noted that it does not wish to establish a precedent for excessive development within public waters and recommends that construction be limited to the minimum needed and
- 3) the property owner/s should be aware that portions of the parcel appear to contain (or be near) National wetland area (mapping available online at <http://www.fws.gov/wetlands/Data/Mapper.html>) 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.

**William Kedley, 8337 South Shore Road, V. Sodus Point**

Special Permit, Tax Map Ref. No. 71118-09-247725

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12’x20’ deck over water

**Comments:**

- 1) any/all necessary NYS Department of Environmental Conservation and U.S. Army Corps of Engineers approvals/permits must be obtained,

- 2) the Board noted that it does not wish to establish a precedent for excessive development within public waters and recommends that construction be limited to the minimum needed and
- 3) the property owner/s should be aware that portions of the parcel appear to contain (or be near) National wetland area (mapping available online at <http://www.fws.gov/wetlands/Data/Mapper.html>) 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.

**Tom and Nancy Wilkes, 7473 Lummis Street, V. Sodus Point**

Preliminary Site Plan, Tax Map Ref. No. 71119-18-337132

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36'x48' garage

**Comments:**

- 1) the property owner/s should 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>) 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.

**David Williamson, 8660 Greig Street, V. Sodus Point**

Special Permit, Tax Map Ref. No. 71119-19-715029

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60' portable dock with four 20' fingers

**Comments:**

- 1) any/all necessary NYS Department of Environmental Conservation and U.S. Army Corps of Engineers approvals/permits must be obtained,
- 2) the Board noted that it does not wish to establish a precedent for excessive development within public waters and recommends that construction be limited to the minimum needed and
- 3) the property owner/s should be aware that portions of the parcel appear to contain (or be near) National wetland area (mapping available online at <http://www.fws.gov/wetlands/Data/Mapper.html>) 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.

**Estate of Mary Kelley, 8096 Morley Road, T. Sodus**

Preliminary / Final Subdivision Plan, Tax Map Ref. No. 70118-00-944539, 70118-00-936564, 70118-00-935504

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4 lot subdivision

**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 to contain an existing and/or construct a new driveway that will meet 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 and
- 4) the property owner/s should be aware that portions of Tax ID #70118-00-935504 and proposed "Parcel A" may contain (or be near) National wetland area (mapping available online at <http://www.fws.gov/wetlands/Data/Mapper.html>) 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.

**DiGravio Subdivision, 6079 Lincoln Road, T. Ontario**

Preliminary / Final Subdivision Plan / Final Site Plan, Tax Map Ref. No. 61117-00-622412

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2 lot subdivision, residential site plan

**Comments:**

- 1) the proposed lots/development 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/development should be configured with enough area to contain an existing and/or construct a new driveway that will meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance and
- 3) future plans (if any) for the total acreage should be considered.

**Stone Road Auto, 114 (118) Route 104, T. Ontario**

Area Variance, Tax Map Ref. No. 60117-12-987555

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Two 4'x16' signs

**Comments:**

The hardship criteria that are required to grant the area variance must be substantiated at the local level.

**Dunkin Donuts, 1873 Route 104, T. Ontario**

Area Variance, Tax Map Ref. No. 63117-09-171715

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Freestanding pylon sign

**Comments:**

- 1) the hardship criteria that are required to grant the area variance must be substantiated at the local level and
- 2) the proposed sign should be constructed/sited so that it will not impede available sight distances at a driveway/road intersection related to the project.

**Prodromos Konstantinou, 2030 Route 104, T. Ontario**

Area Variance, Tax Map Ref. No. 63117-10-375659

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Vestibule off south entrance with patio

**Comments:**

- 1) the hardship criteria that are required to grant the area variances must be substantiated at the local level,
- 2) site layout, on-site traffic circulation, parking area/s, and the total number of available parking spaces should be assessed and designed to provide safe pedestrian and vehicular flow (e.g. should the proposed additions be approved, will vehicular traffic flow be discouraged between the restaurant and dentist buildings to promote on-site safety?),
- 3) emergency service vehicle access should be planned/provided for,
- 4) development must meet NYS Uniform Fire Prevention and Building Codes and
- 5) future plans (if any) for the total acreage should be considered.

**Kevin and Kathleen Hill, 1182 Garnsey Road, T. Palmyra**

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 65111-00-930065

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Neighbor transferring 3.279 acres

**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 to contain an existing and/or construct a new driveway that will meet 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 and
- 4) the property owner/s should be aware that portions of the "parent parcel" may contain (or be near) National wetland area (mapping available online at <http://www.fws.gov/wetlands/Data/Mapper.html>) and any planning/development should be done in accordance with applicable regulations.

**Drahms Subdivision, 457 Wiley Road, T. Savannah**

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 77110-00-035376

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2 lot subdivision

**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 to contain an existing and/or construct a new driveway that will meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance and
- 3) future plans (if any) for the total acreage should be considered.

**Other Business:**

Nominating Committee: Election of 2016 Officers will take place at the December meeting. The Nominating Committee consists of Mr. Guthrie, Mr. Thorn and Mr. Lockwood.

There being no further business, the meeting was adjourned at 8:30 PM.

Respectfully submitted,  
Tracy Lambie, Secretary