

WAYNE COUNTY PLANNING BOARD

MINUTES

September 27, 2017

Chairman, Bob Hutteman called the September 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, Larry Lockwood, Bert Peters, Larry Ruth

Staff: Bret DeRoo, Tracy Lambie

AUGUST 2017 MINUTES

Action – Approve

Motion – Mr. Burgess

Second – Mr. Bartels

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

This following 10 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. Peters

Opposed –

Abstention –

Motion carried

Local Law No. 5 of 2017, T. Huron

Amend Text

Amend zoning law to make technical corrections to provisions related to animal or fowl sheltering

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

1. [“Creating the Community You Want: Municipal Options for Land Use Control”](http://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf) @ http://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf

2. [“Questions for the Analysis and Evaluation of Existing Zoning Regulations”](http://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf) @ http://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf

3. [“Guideline for Review of Local Zoning and Planning Laws”](https://www.agriculture.ny.gov/ap/agsservices/guidancedocuments/305-aZoningGuidelines.pdf) @ <https://www.agriculture.ny.gov/ap/agsservices/guidancedocuments/305-aZoningGuidelines.pdf>

Speranza, 2980 Route 350, T. Macedon

Final Subdivision Plan, Tax Map Ref. No. 63113-00-124513

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 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. (if applicable),
- 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) future plans (if any) for the total acreage should be considered and
- 6) the applicant(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area (approximate mapping available online at <http://www.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

John and Jeannine Moose, County Line Road, T. Macedon

Preliminary / Final Site Plan, Tax Map Ref. No. 60113-00-966508

Single family home

Comments:

- 1) the proposed septic system must meet NYS Department of Health regulations,
- 2) the proposed 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) National wetland area (approximate mapping available online at <http://www.dec.ny.gov/gis/erm/>) 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.

Kathleen Kummerow, 279 Whitney Road, T. Ontario

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61116-00-171838

Subdivide 2 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 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. (if applicable),
- 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) future plans (if any) for the total acreage should be considered and

- 6) the applicant(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area (approximate mapping available online at <http://www.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

Tuscany to Tennessee, 1250 Route 104, T. Ontario

Special Permit, Tax Map Ref. No. 62117-10-384624

Winterize/improve existing structure to set up for food trailer.

Comments:

- 1) proposed on-site traffic circulation, building area and associated parking areas should be designed/developed in a manner that will provide safe interaction between those items as well as access to Wooster Way and NYS Rt. 104,
- 2) proposed 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 corridor,
- 3) emergency service vehicle access should be provided for,
- 4) future plans (if any) for the total plaza acreage should be considered and
- 5) all necessary local, federal and state regulations and approvals/permits must be followed/obtained (e.g. NYS Department of Health, NYS Uniform Fire Prevention and Building Codes, etc.).

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/tenants 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.

SunCommon, 6150 Lincoln Road, T. Ontario

Special Permit, Tax Map Ref. No. 61117-00-753498

5.1 dw DC rooftop solar system

Comments:

The development must meet NYS Uniform Fire Prevention and Building Codes (e.g. ensure that the roof can compensate the additional weight load).

Voelckers Subdivision, 703 Walworth-Penfield Road, T. Walworth

Final Subdivision Plan, Tax Map Ref. No. 61114-00-684386

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 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. (if applicable),
- 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) future plans (if any) for the total acreage should be considered and
- 6) the applicant(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area (approximate mapping available online at <http://www.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

Tammy Gurowski, 7848 S. Maple Road, T. Wolcott

Special Permit, Tax Map Ref. No. 75119-11-535611

Demolish existing cottage, build new

Comments:

- 1) the proposed home should be sited so that it will not interfere with adjacent property owner(s) views of Port Bay,
- 2) the septic system must meet NYS Department of Health regulations,
- 3) the proposed structure must meet NYS Uniform Fire Prevention and Building Codes, including setbacks from property lines,
- 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. and
- 5) the property owner(s) should be aware that portions of the parcel may be near, or contain, both National wetland area (mapping available online at <http://www.dec.ny.gov/gis/erm/>) and 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.

John Wright, 11709 Tompkins Point Road, T. Wolcott

Special Permit, Tax Map Ref. No. 75120-18-464041

Demolish existing cottage, build new

Comments:

- 1) the proposed home should be sited so that it will not interfere with adjacent property owner(s) views of Port Bay,
- 2) the septic system must meet NYS Department of Health regulations,
- 3) the proposed structure must meet NYS Uniform Fire Prevention and Building Codes, including setbacks from property lines,
- 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. and
- 5) the property owner(s) should be aware that portions of the parcel may be near, or contain, both National wetland area (mapping available online at <http://www.dec.ny.gov/gis/erm/>) and 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 Butler, 7895 Finch Road, T. Wolcott

Special Permit, Tax Map Ref. No. 75119-11-655680

Demolish existing cottage, build new

Comments:

- 1) the proposed home should be sited so that it will not interfere with adjacent property owner(s) views of Port Bay,
- 2) the septic system must meet NYS Department of Health regulations,
- 3) the proposed structure must meet NYS Uniform Fire Prevention and Building Codes, including setbacks from property lines,
- 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. and
- 5) the property owner(s) should be aware that portions of the parcel may be near, or contain, both National wetland area (mapping available online at <http://www.dec.ny.gov/gis/erm/>) and 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.

Wayne ARC – Erie Shore Landings, 150 VanBuren Street, V. Newark

Preliminary/Final Site Plan, Tax Map Ref. No. 68111-18-385107, 68111-18-368117, 68111-18-392124

Renovate existing space. Renovation of south and east facades. Ms. Amy Daley of LaBella presented.

Action – Approve with Comments

Motion – Mr. Guthrie

Second – Mr. Burgess

Opposed –

Abstention –

Motion carried

Comments:

- 1) development should continue to proceed in a manner that keeps it compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building improvements/property maintenance, screening (e.g. fencing and berms) landscaping, etc., particularly given that the parcel is located near the highly traveled West Union Street/NYS Canal Corridor,
- 2) proposed on-site traffic circulation, parking area(s) and total number of available parking spaces should be confirmed and also compatible with existing on-site uses. It was recommended that the proposed ice cream shop, deli/bakery and retail store parking should be in an area that will reduce the chance of traffic congestion on any of the adjacent streets (e.g. encourage parking in one of the onsite lots rather than on Van Buren St., where sight distance may be hindered),
- 3) driveways should have AASHTO (American Association of State Highway and Transportation Officials) recommended sight distances available,
- 4) parked vehicles should not impede available access/driveway sight distances,
- 5) painted striping should be added/used on the site to clearly identify parking areas/stalls and desired traffic flow (if applicable),
- 6) all necessary local and state regulations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes),
- 7) security measures should be intact (e.g. the site should be lighted),
- 8) emergency service vehicle access should be provided for,
- 9) “operational noises” should be mitigated, if ever applicable, given potential uses occurring in the east and west workshop spaces (i.e. noise generated by business activity should not impact nearby land uses if applicable),
- 10) toxic/hazardous materials should be properly stored, handled and disposed of (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 (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.

Based on the number and types of uses that occupy the three parcels, the Board felt it would be helpful to have a scaled site plan that illustrates all of the building locations and floor plans, associated uses, 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 uses, as well as surrounding land uses, are compatible and safe.

Bruce Carey, 6240 Slocum Road, T. Ontario

Preliminary/Final Site Plan, Tax Map Ref. No. 62117-10-320605

7,481 sq. ft. bldg. with parking. Mr. Al LaRue of McMahon LaRue presented.

Action – Approve with Comments

Motion – Mr. Peters

Second – Mr. Guthrie

Opposed –

Abstention –

Motion carried

Comments:

- 1) all applicable local, state and federal laws/regulations must be adhered to including, but not limited to, those pertaining to required separation distances (e.g. between firearm carrying/use and a child care center), site layout, building design requirements, operation of the shooting range, etc. that ensure use of the proposed shooting range will not impact any surrounding land uses (e.g. potential noise and projectile impacts),
- 2) the property owner(s) should be aware that much of the parcel appears to contain FEMA “Zone A2” flood zone area (mapping available online at <https://msc.fema.gov/portal>) and any planning/development should be done in accordance with applicable regulations,
- 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 design/materials, fencing, berms, landscaping, etc., particularly given that the parcel is located near the highly traveled NYS Rt. 104 and Slocum Road,
- 4) screening/buffering (e.g. fence, berm, landscaping, etc.) should be used to help the proposed commercial development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent commercial/daycare uses located along NYS Rt. 104 and Slocum Road),
- 5) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses),
- 6) any toxic/hazardous materials (associated with the proposed business) should be properly stored, handled and disposed of (e.g. lead management),
- 7) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 8) 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 Wooster Way,
- 9) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations and no on-site development/display areas should impede available sight distances,
- 10) emergency service vehicle access should be provided for,
- 11) security measures should be intact (e.g. the site should be lighted),
- 12) future plans (if any) for the total acreage should be considered and
- 13) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. Town of Ontario and FEMA Flood Zone regulations, NYS Department of Environmental Conservation- Phase II Stormwater Management and Erosion and Sediment Control regulations as well as NYS Uniform Fire Prevention and Building Codes).

H&N Properties, LLC, Timothy Lane, T. Ontario

Preliminary/Final Site Plan / Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61117-00-341810

2 lot subdivision, Lot 1 8.3 acres, 50,000 sq. ft. building with possible 25,000 sq. ft. future addition. Mr. Linc Swedrock of BME presented.

Action – Approve with Comments

Motion – Mr. Ruth

Second – Mr. Bartels

Opposed –

Abstention – Mr. Catalano

Motion carried

Comments:

- 1) proposed on-site traffic circulation, building area(s) 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,

- 2) proposed 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 Timothy Lane and near the highly traveled NYS Rt. 104 corridor,
- 3) screening/buffering (e.g. fence, berm, landscaping, etc.) should be considered/used to help the proposed development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent land uses - if applicable),
- 4) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses),
- 5) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 6) any toxic/hazardous materials should be properly stored, handled and disposed of,
- 7) emergency service vehicle access should be provided for,
- 8) future plans (if any) for the total acreage should be considered and
- 9) 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 regulations, NYS Uniform Fire Prevention and Building Codes, etc.).

As an additional note, the applicant(s) should be aware that portions of the parcel appear to contain (or be near) National as well as NYS Department of Environmental Conservation wetland areas (approximate mapping for both available online at <http://www.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

Baldwin Richardson Foods, Co. , 4949 Route 104, T. Williamson

Area Variance / Final Site Plan, Tax Map Ref. No. 66117-00-970963

100,000 sq. ft. industrial bldg. expansion. Mr. Timothy Hughes and Mr. Eric Johnson of Baldwin Richardson presented.

Action – Approve Final Site Plan with Comments

Motion – Mr. Ruth

Second – Mr. Baker

Opposed –

Abstention – Mr. Peters

Motion carried

Comments:

The Board determined the Area Variance to have no intermunicipal or countywide impact with the following comments:

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

The Board recommended approval of the Final Site Plan with the following comments:

- 1) municipal water and sanitary sewer system impacts should be analyzed and determined to meet demands associated with the proposed expansion,
- 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 NYS Rt. 104 and East Townline Rd.,
- 3) a NYS Department of Transportation driveway permit must be obtained for the proposed NYS Rt. 104 driveway,
- 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 the parcel location on the highly traveled NYS Rt. 104,

- 5) screening/buffering (e.g. fence, berm, landscaping, etc.) should be considered/used to help the proposed development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent land uses - if applicable),
- 6) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses),
- 7) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 8) any toxic/hazardous materials should be properly stored, handled and disposed of,
- 9) emergency service vehicle access should be provided for,
- 10) future plans (if any) for the total acreage should be considered,
- 11) all necessary local, federal and state regulations 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 and US Army Corps of Engineers) and
- 12) the applicant(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area (approximate mapping available online at <http://www.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

VZO/Scientific Polymer Products, 6265 Dean Parkway, T. Ontario

Preliminary/Final Site Plan, Tax Map Ref. No. 61117-00-166638

50’x100’ bldg. for industrial storage

Action – Approve with Comments

Motion – Mr. Guthrie

Second – Mr. Lockwood

Opposed –

Abstention –

Motion carried

Comments:

- 1) proposed 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 Dean Parkway and near the highly traveled NYS Rt. 104 corridor,
- 2) screening (e.g. fence, berm, landscaping, etc.) should be considered/used to help the proposed development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent land uses - if applicable),
- 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 Dean Parkway,
- 4) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses - if applicable),
- 5) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 6) any toxic/hazardous materials should be properly stored, handled and disposed of,
- 7) emergency service vehicle access should be provided for,
- 8) future plans (if any) for the total acreage should be considered and
- 9) 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 regulations, NYS Uniform Fire Prevention and Building Codes, etc.).

Brick Corners Estates, 13017 School Street, T. Savannah

Preliminary Site Plan, Tax Map Ref. No. 77111-05-208827

35 suite senior living home

Action – Approve with Comments

Motion – Mr. Catalano

Second – Mr. Peters

Opposed –

Abstention – Mr. Broach

Motion carried

Comments:

- 1) 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 Grand Street, School Street and North Main Street/NYS Rt. 89,
- 2) proposed 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.,
- 3) screening/buffering (e.g. fence, berm, landscaping, etc.) should be considered/used to help the proposed development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent land uses - if applicable),
- 4) emergency service vehicle access should be provided for,
- 5) future plans (if any) for the total acreage should be considered and
- 6) all necessary local, federal and state regulations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes and NYS Department of Health regulations).

Other Business:

The Board was reminded of an upcoming training available on October 2. There being no further business, the meeting was adjourned at 8:12 PM.

Respectfully submitted,
Tracy Lambie, Secretary