

WAYNE COUNTY PLANNING BOARD

MINUTES

March 30, 2016

Chairman, Ken Burgess called the March 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, Steve Buisch, Ken Burgess, Robert Burns, Steve Guthrie, Matt Krolak, Larry Lockwood, Bert Peters, Larry Ruth, Ron Thorn

Staff: Bret DeRoo, Tracy Lambie

FEBRUARY 2016 MINUTES

Action – Approve

Motion – Mr. Guthrie

Second – Mr. Peters

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

Town of Ontario Solar Array, 2200 Lake Road, T. Ontario

Preliminary/Final Site Plan / Special Permit, Tax Map Ref. No. 63119-00-570315

11 acre solar array. Paul Congdon of Hunt Engineers and John Miller of groSolar presented.

Action – Approve with Comments

Motion – Mr. Ruth

Second – Mr. Burns

Opposed –

Abstention –

Motion carried

Comments:

- 1) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed photovoltaic development remain compatible with surrounding land uses, if necessary,
- 2) future plans (if any) for the total acreage should be considered and
- 3) the Town should be aware that portions of the parcel appear to contain FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

Rick Clingerman, 520 East Union Street, V. Newark

Use Variance, Tax Map Ref. No. 68110-07-741989

Continued use of 11 existing apartments. Mr. Clingerman presented.

Action – Approve with Comments

Motion – Mr. Guthrie

Second – Mr. Buisch

Opposed –

Abstention –

Motion carried

Comments:

- 1) the hardship criteria that are required to grant the use variance must be substantiated at the local level,
- 2) the use variance is **not** being requested to reopen the bar/grill use,
- 3) a sketch/site plan should be provided to help delineate onsite features such as existing structure(s), driveway, and parking area locations as well as parcel boundaries,

- 4) on-site traffic circulation, auto display, parking area/s and total number of available parking spaces should be determined/delineated,
- 5) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations and parked vehicles should not impede available sight distance,
- 6) emergency service vehicle access should be provided for,
- 7) 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 (Canal Corridor),
- 8) the property should be well maintained,
- 9) “operational noises” should be mitigated (i.e. noise generated by the proposed use should not impact nearby residential uses) and
- 10) any/all necessary local and state (e.g. NYS Uniform Fire Prevention and Building Codes, NYS Department of Health) recommendations and approvals/permits must be followed/obtained.

**Newark Wayne Community Hospital, 1200 Driving Park Avenue, V. Newark
Preliminary/Final Site Plan / Use Variance, Tax Map Ref. No. 68111-09-153528**

New approx. 5,000 sq. ft Patient Access Center. Norm Gardner of Clark Patterson Lee and Tom Coughlin of Rochester Regional Health presented.

The Board determined the use variance to have no intermunicipal or countywide impact with the following comments:

- 1) the hardship criteria that are required to grant the use variance must be substantiated at the local level and
- 2) repeated requests for similar variances (e.g. use variance for health care-related development in a residential zone) could signal the need to examine zoning regulations to determine if they still meet the Village’s desired objectives. The Board understands that Newark is currently considering zoning revisions.

Action – Approve Preliminary/Final Site Plan with Comments

Motion – Mr. Guthrie

Second – Mr. Ruth

Opposed –

Abstention – Mr. Krolak

Motion carried

Comments:

- 1) 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, appropriate lighting, etc., particularly given that the hospital is near an area of mixed uses, which includes residential,
- 2) development must meet NYS Uniform Fire Prevention and Building Codes and
- 3) future plans (if any) for the total acreage should be considered.

Colacino Realty, LLC, Todd Nittolo, 319, 335, 345, 351 West Union St. and empty lot, V. Newark

Amend Map, Tax Map Ref. No. 68111-17-194048, 68111-17-183046, 68111-17-175044, 68111-17-166044

Waiver of subdivision. Al LaRue presented.

Action – Approve with Comments

Motion – Mr. Burns

Second – Mr. Baker

Opposed –

Abstention –

Motion carried

Comments:

- 1) 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,
- 2) the property owner(s) should be aware that portions of the proposed parcels (adjacent to canal) may contain, or be near, National wetland area and any planning/development should be done in accordance with applicable regulations and
- 3) future plans (if any) for the total acreage should be considered.

Perry Road Pit, 9161 Perry Road/Marble Road, T. Galen

Special Permit, Tax Map Ref. No. 72110-00-236022

Sand/gravel mining

Action – Approve with Comments

Motion – Mr. Ruth

Second – Mr. Burns

Opposed –

Abstention –

Motion carried

Comments:

- 1) any/all necessary local, federal and state recommendations/conditions and approvals/permits must be followed/obtained regarding the proposed mining and reclamation plan (e.g. NYS Department of Environmental Conservation Mining and SPDES permits),
- 2) everything possible should be done to keep petroleum and/or hazardous products from reaching surface and/or ground water (e.g. store equipment in a sheltered environment and on an impervious surface) as Town residents rely heavily on wells to provide drinking water,
- 3) this use should be compatible with the nearby residential use(s), (e.g. a fenced area should be provided to help keep children away from equipment that is necessary to operate the mine, if applicable),
- 4) operational noise and dust should be mitigated at all times (e.g. through use of berms that are high enough to block noise from residential neighbors and watering of gravel/dirt roads and haulage way(s), which will help this mining application to be compatible with nearby land uses,
- 5) truck traffic should be routed to have the least impact on residential areas,
- 6) sight distance should be confirmed to meet American Association of State Highway and Transportation Officials (AASHTO) recommendations at the proposed access road/Marble Rd. intersection,
- 7) hours of operation should be compatible with surrounding/neighborhood land uses (NYSDEC approved mining operational days and hours appear to be Monday-Friday 6 am to 6 pm and Saturdays 6 am to 12 pm),
- 8) the reclamation plan should include the provision for a dry hydrant in the pond area(s),
- 9) the property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland area and NYSDEC wetland area as well as FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

Douglas Clapp, 6810 Ann Lee Drive, T. Huron

Special Permit, Tax Map Ref. No. 72117-00-123997

Short term residential rental

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 a local matter

Motion – Mr. Guthrie

Second – Mr. Burgess

Opposed –

Abstention – Mr. Lockwood

Motion carried

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 on Great Sodus Bay,
- 2) a sketch/site plan should be provided to help delineate onsite features such as existing structure(s), septic system, parking area and driveway locations as well as parcel boundaries,
- 3) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations and parked vehicles should not impede available sight distance,
- 4) on-site traffic circulation, parking area/s and total number of available parking spaces should be determined/delineated,
- 5) emergency service vehicle access should be provided for,
- 6) the rented structure(s) must meet applicable NYS Uniform Fire Prevention and Building Codes given the proposed use,
- 7) the onsite wastewater treatment system must meet applicable local and NYS codes and
- 8) 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.

Cleason Martin, 7672 Jackson School Road, T. Lyons

Special Permit, Tax Map Ref. No. 70110-00-433035

Farm equipment/ag truck service

Action – Approve with Comments

Motion – Mr. Ruth

Second – Mr. Buisch

Opposed –

Abstention –

Motion carried

Comments:

- 1) a sketch/site plan should be provided to help delineate onsite features such as existing structure(s), septic system, parking area(s) and driveway locations, as well as parcel boundaries,
- 2) on-site traffic circulation, parking area(s) and total number of available parking spaces should be determined/delineated,
- 3) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations and parked vehicles should not impede available sight distances,
- 4) warning signs should be installed on Jackson School Road to alert traffic of the repair shop’s driveway entrance and associated farm equipment/truck traffic,
- 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, etc.,
- 7) outside storage should be limited (e.g. equipment in disrepair should not be permitted to accumulate),
- 8) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact nearby residential uses),
- 9) any/all hazardous/toxic materials must be properly stored, handled and disposed of,
- 10) the repair shop building(s) must meet applicable NYS Uniform Fire Prevention and Building Codes given the proposed use,
- 11) any/all necessary local, federal and state (e.g. NYS Department of Environmental Conservation, NYS Department of Motor Vehicles) recommendations and approvals/permits must be followed/obtained and

- 12) the property owner(s) should be aware that portions of the overall parcel may contain (or be near) National wetland area and any planning/development should be done in accordance with applicable regulations.

Pheasant Run Section 2 Ext, Phase, 2, Spragbrook Circle & Tanaberry Circle, T. Macedon

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61113-00-828889, (61113-00-828890)

5 lot subdivision

Action – Approve with Comments

Motion – Mr. Guthrie

Second – Mr. Burns

Opposed –

Abstention –

Motion carried

Comments:

- 1) the proposed lots/development must meet NYS Department of Health conditions for approval,
- 2) the proposed lots should be configured with enough area to construct a new driveway that will meet town recommendations for sight distance,
- 3) stormwater management and erosion and sediment control plans must meet Phase II NYS Department of Environmental Conservation regulations,
- 4) emergency service vehicle access should be planned/provided for that meets the needs of the existing, as well as proposed subdivision,
- 5) development must meet NYS Uniform Fire Prevention and Building Codes and
- 6) future plans (if any) for the total acreage should be considered (i.e. are additional lots proposed for development in this subdivision and/or nearby landowner holdings?).

Guy Berretta, 8510 Wickham Blvd, V. Sodus Point

Special Permit, Tax Map Ref. No. 71119-18-487239

6'x50' dock with 12'x16' deck

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. Ruth

Second – Mr. Buisch

Opposed –

Abstention – Mr. Baker

Motion carried

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 as well as FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

Ora and Joanne Rothfuss, 2547/2555 West Walworth Road, T. Macedon

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61113-00-353107

10 acres to be conveyed

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 a local matter

Motion – Mr. Thorn

Second – Mr. Lockwood

Opposed –

Abstention –

Motion carried

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) the property owner(s) should be aware that portions of the “parent parcel” may contain (or be near) National wetland area and NYS Department of Environmental Conservation wetland area and any planning/development should be done in accordance with applicable regulations and
- 4) future plans (if any) for the total acreage should be considered.

Other Business:

Mr. Thorn made a motion that the meeting be adjourned. Seconded by Mr. Peters.

There being no further business, the meeting was adjourned at 8:26 PM.

Respectfully submitted,
Tracy Lambie, Secretary