

# WAYNE COUNTY PLANNING BOARD

## MINUTES

May 25, 2016

Chairman, Ken Burgess 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: Ronald Baker, Merton Bartels, Dave Broach, Steve Buisch, Ken Burgess, Robert Burns, Joe Catalano, Steve Guthrie, Matt Krolak, Larry Lockwood, Bert Peters, Larry Ruth

Staff: Bret DeRoo

### APRIL 2016 MINUTES

**Action** – Approve

**Motion** – Mr. Buisch

**Second** – Mr. Krolak

**Abstention** –

**Motion carried**

### ZONING AND SUBDIVISION REFERRALS

#### **Town of Williamson zoning ordinance, T. Williamson**

Amend Text / Amend Map

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**Action** – Approve with Comments

**Motion** – Mr. Guthrie

**Second** – Mr. Ruth

**Opposed** –

**Abstention** – Mr. Peters

**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”
- 2) the Town attorney should review and approve the proposed amendments,
- 3) consideration should be given to identifying public property (i.e. Town park, County park, etc.) on the proposed zoning map and
- 4) the proposed zoning amendments should be compatible with NYS Agriculture and Markets Law, Agricultural Districts Law and associated Guidance Documents.

For reference, “Questions for the Analysis and Evaluation of Existing Zoning Regulations” is a document that is also offered on the NYS Department of State webpage and may contain useful information.

#### **Lamar Outdoor Advertising, 3818 Route 31, T. Palmyra**

Use Variance, Tax Map Ref. No. 65111-00-629586

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Signs

**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. Baker

**Opposed** –

**Abstention** – Mr. Krolak

**Motion carried**

**Comments:**

- 1) the hardship criteria required to grant the variance must be substantiated at the local level,
- 2) the minimum variance necessary should be considered,
- 3) the proposed sign should not impede available sight distance,
- 4) local and NYS Department of Transportation recommendations/regulations should be followed, including setbacks from the NYS Rt. 31 right of way,
- 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 sign design/building materials and maintenance, fencing, berms, landscaping, property maintenance etc., particularly given that the parcel is located on the highly traveled NYS Rt. 31/NYS Canal Corridor and
- 6) the property owner(s) should be aware that portions of the 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.

**Andrew Traister, 7306 Phelps Avenue, T. Huron**

Special Permit, Tax Map Ref. No. 72118-06-405936

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Short term 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. Catalano

**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 near to 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.

**Freedom Truck and Auto, Inc., 132 Harrison Street, V. Newark**

Special Permit, Tax Map Ref. No. 68111-18-416166

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Pre-owned car dealership

**Action** – Approve with Comments

**Motion** – Mr. Burns

**Second** – Mr. Peters

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

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

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 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.

**Keymel Subdivision, 7421 Furnace Road, T. Ontario**

Preliminary/Final Site Plan / Preliminary/Final Subdivision Plan / Area Variance, Tax Map Ref. No. 63119-00-698128

**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. Ruth

**Opposed** –

**Abstention** – Mr. Catalano

**Motion carried**

**Comments:**

- 1) the hardship criteria that are required to grant the area variance must be substantiated at the local level,
- 2) the minimum area variance necessary should be considered,
- 3) the proposed 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,
- 4) the proposed 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,
- 5) emergency service vehicle access should be provided for,
- 6) the property owner(s) should be aware that portions of the parcel may contain (or be near) 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 and
- 7) future plans (if any) for the total acreage should be considered.

**Whispering Winds Campground, 2 Country Club Drive, V. Newark**

Preliminary Site Plan, Tax Map Ref. No. 68111-15-620287, 68111-15-531457

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Additional 200 campsites and accessory facilities. Conceptual review, will return for final review.

**Action** – Approve with Comments

**Motion** – Mr. Buisch

**Second** – Mr. Guthrie

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) the property owner(s) should be aware that portions of the two parcels may contain (or be near) FEMA flood zone area as well as National wetland area and any planning/development should be done in accordance with applicable regulations,
- 2) 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 and campsite design/maintenance, construction materials, fencing, berms, landscaping, maintaining property line setbacks etc.,
- 3) all proposed development and access (private drives) must meet NYS Uniform Fire Prevention and Building Codes,
- 4) local emergency service providers (e.g. police, ambulance and fire) should review plans to ensure that proposed development can be accessed and served,
- 5) an alternative (2<sup>nd</sup>) access should be considered and provided if necessary, specifically for an emergency service need or situation (e.g. crash gate, possibly from O'Brien Road?),
- 6) any/all necessary local, federal and state (e.g. NYS Department of Environmental Conservation - stormwater management and erosion and sediment control plans and open fire regulation and NYS Department of Health) recommendations and approvals/permits must be followed/obtained,
- 7) recommended driving directions should be determined and made to avoid residential areas to the extent practicable,
- 8) on-site traffic circulation and parking provisions (2 spaces /camp site to compensate visitors as well?) and emergency service vehicle access should be defined,
- 9) campsite types should be clarified (i.e. number of permanent sites compared to number of seasonal sites?) and
- 10) future plans (if any) for the total acreage should be considered.

**OptiPro, 6368 Dean Parkway, T. Ontario**

Preliminary Site Plan, Tax Map Ref. No. 61117-00-235800

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New 34,523 sq. ft. addition and parking lot redevelopment. Conceptual review, will return for final review.

**Action** – Approve with Comments

**Motion** – Mr. Guthrie

**Second** – Mr. Peters

**Opposed** –

**Abstention** – Mr. Catalano

**Motion carried**

**Comments:**

- 1) as noted in the application paperwork, the proposed development is within a NYS Department of Environmental Conservation designated wetland (buffer) area. Therefore, it is recommended that all necessary NYSDEC recommendations and approvals/permits are followed/obtained and any planning/development should be done in accordance with applicable regulations,
- 2) the property owner(s) should be aware that portions of the parcel may also contain (or be near) National wetland area and any planning/development should be done in accordance with applicable regulations,

- 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) 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,
- 5) screening (e.g. fence, berm, landscaping, etc.) should be 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),
- 6) 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 near the highly traveled NYS Rt. 104 corridor,
- 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) future plans (if any) for the total acreage should be considered and
- 10) 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.).**

**Mackquinle Farms, Norris Road, T. Huron**

Special Permit, Tax Map Ref. No. 72116-00-594858

Labor camp

**Action** – Approve with Comments

**Motion** – Mr. Burns

**Second** – Mr. Baker

**Opposed** –

**Abstention** – Mr. Lockwood

**Motion carried**

**Comments:**

- 1) all necessary local and NYS permits/regulations must be obtained/followed (e.g. NYS Department of Health and NYS Uniform Fire Prevention and Building Codes),
- 2) property use/development should proceed in a manner that helps it remain compatible with surrounding land uses (such as the single family residence to the north of the proposed facility) and is also aesthetically pleasing through use of items such as fencing, berms, landscaping, property maintenance etc., particularly given that the parcel is located adjacent to the highly traveled NYS Rt. 104,
- 3) on-site traffic circulation and how it relates to items such as proposed parking area(s), building location, on-site farm operations, driveway location, proximity to NYS Rt. 104, future plans, etc. should be determined/delineated,
- 4) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations (i.e. the driveway should be setback from NYS Rt. 104 as far as possible),
- 5) emergency service vehicle access should be provided for,
- 6) future plans (if any) for the total acreage and farm operation should be considered and
- 7) the applicant(s) should be aware that the property (northern) appears to contain or be near NYSDEC wetland area and any planning/development should be done in accordance with applicable regulations.

**JTS Greenhouses, LLC, 609 East Maple Avenue, V. Newark**

Amend Map, Tax Map Ref. No. 68110-11-611657

2 lot subdivision

**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. Krolak

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) the proposed lots should be configured with enough area to contain an existing and/or hookup to a new wastewater treatment system that will meet Village and/or 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 proposed 32.61 acre 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,
- 4) buffering/screening should be considered between the former greenhouse operation and existing and proposed (if applicable) residential uses to help them remain compatible and
- 5) future plans (if any) for the total acreage should be considered.

**510 West Union Street, V. Newark**

Amend Map / Area Variance, Tax Map Ref. No. 67111-20-957026

Waiver of subdivision

**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. Peters

**Second** – Mr. Bartels

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) the hardship criteria that are required to grant the area variances must be substantiated at the local level and
- 2) all necessary “cross-lot easements“ should be in place to ensure that all involved businesses can maintain their function and compatibility (e.g. access/driveway, parking, utility, etc.).

**Polito Site Plan, 6747 Furnace Road, T. Ontario**

Preliminary/Final Site Plan, Tax Map Ref. No. 63118-00-560250

**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. Peters

**Second** – Mr. Baker

**Opposed** –

**Abstention** – Mr. Catalano

**Motion carried**

**Comments:**

- 1) the proposed 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,
- 2) a driveway permit should be obtained from the Wayne County Highway Department (Wayne County Department of Public Works),
- 3) emergency service vehicle access should be provided for (if applicable) and
- 4) future plans (if any) for the total acreage should be considered.

**Verizon, 1146 Route 31, T. Macedon**

Area Variance, Tax Map Ref. No. 62111-10-289726

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**Signs**

**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. Bartels

**Motion carried**

**Comments:**

- 1) the hardship criteria that are required to grant the area variances must be substantiated at the local level,
- 2) the minimum variances necessary should be considered,
- 3) proposed pylon sign setbacks should meet local requirements as well as NYS Department of Transportation recommendations/regulations (if applicable),
- 4) proposed signage should not impede available sight distances and
- 5) repeated requests for similar variances could signal the need to examine zoning regulations to determine if they still meet desired objectives.

**Zoning Amendments, V. Palmyra**

Amend Text

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**Action** – Disapprove with Comments

**Motion** – Mr. Guthrie

**Second** – Mr. Ruth

**Opposed** –

**Abstention** – Mr. Krolak

**Motion carried**

**Comments:**

The Board believes that the Village should consider **not** delegating subdivision review to the Palmyra Zoning Board of Appeals as found in the proposed modifications. The Board has recently received information from an attorney with the NYS Department of State indicating there are two informal opinions from the Office of the Attorney General, State of New York, regarding this matter that should be considered by the Village.

Enclosures to be sent with letter to the Village. One enclosure (1979 N.Y. Op. Atty. Gen. (Inf.) 147), is a New York Attorney General opinion concluding the governing board must conduct subdivision review if a local planning board does not exist. The other enclosure (1972 N.Y. Op. Atty. Gen. No. 252), is another NY Attorney General opinion that prohibits a governing board from designating someone other than the planning board – in that case the highway superintendent – to review subdivision applications.

The Board also recommends that the Village attorney should review and approve the proposed amendments.

**Hinman/Hoyt wind tower, 5430 Route 14, T. Sodus**

Special Permit, Tax Map Ref. No. 71116-00-355537

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140' free standing wind tower

**Action** – Disapprove with Comments

**Motion** – Mr. Ruth

**Second** – Mr. Burns

**Opposed** –

**Abstention** – Mr. Baker

**Motion carried**

**Comments:**

The Board is not necessarily opposed to small wind turbines, but they did feel they lacked information that is needed to help them assess the items they are charged to consider by General Municipal Law, Section 239 - 1. Unfortunately, no one attended the meeting to represent the application and help discuss the proposal. For reference, the following is a list of comments that the Board often makes regarding small wind energy conversion systems:

- 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 (does not appear to be applicable for this application),
- 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 (does not appear to be applicable),
- 6) anti-climb shields 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 and
- 9) the property owner/s should be aware that a portion of the parcel may contain (or be near) National wetland area and any planning/development should be done in accordance with applicable regulations.
- 10) a decommissioning plan should be considered for the proposed system.

**Local Law #2 of 2016, T. Walworth**

Amend Text

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**Action** – Approve with Comments

**Motion** – Mr. Burns

**Second** – Mr. Catalano

**Opposed** –

**Abstention** – Mr. Ruth

**Motion carried**

**Comments:**

The Town attorney should review and approve the proposed Moratorium.

**Bradley Miller, 2933 Route 350, T. Macedon**

Area Variance, Tax Map Ref. No. 63113-00-058464

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**Accessory structure in side yard**

**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. Burns

**Second** – Mr. Broach  
**Opposed** –  
**Abstention** – Mr. Bartels  
**Motion carried**

**Comments:**

- 1) the hardship criteria that are required to grant the area variance must be substantiated at the local level,
- 2) all proposed building setback dimensions should be included on the provided drawing for clarification and the minimum variance necessary should be considered (e.g. could the proposed structure be rotated 90 degrees to help reduce the requested side yard setback relief by 10 feet?),
- 3) the proposed structure must meet applicable NYS Uniform Fire Prevention and Building Codes,
- 4) the proposed development should be designed with enough area to contain an existing and/or construct a new septic system that will meet NYS Department of Health regulations,
- 5) proposed development should also 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. 350 and
- 6) repeated requests for similar variances (e.g. area variance for an accessory structure in the side yard) could signal the need to examine zoning regulations to determine if they still meet desired objectives.

**Other Business:**

There being no further business, Mr. Burgess made a motion to adjourn, seconded by Mr. Bartels. The meeting was adjourned at 8:56 PM.

Respectfully submitted,  
Tracy Lambie, Secretary