

## WAYNE COUNTY PLANNING BOARD

### MINUTES

June 29, 2016

Chairman, Ken Burgess called the June 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, Steve Buisch, Ken Burgess, Robert Burns, Joe Catalano, Matt Krolak, Larry Lockwood, Bert Peters, Larry Ruth, Ron Thorn

Staff: Bret DeRoo, Tracy Lambie

### MAY 2016 MINUTES

**Action** – Approve

**Motion** – Mr. Buisch

**Second** – Mr. Peters

**Abstention** –

**Motion carried**

### ZONING AND SUBDIVISION REFERRALS

#### **Jeffrey Schram Wind Turbine, 8617 Schwab Road, T. Lyons**

Area Variance / Special Permit, Tax Map Ref. No. 71110-00-714446

153' wind turbine. Meghan Gaffney of United Wind was available to answer questions.

#### **The Area Variance was reviewed and determined to be of no intermunicipal or countywide impact:**

**Action** – Return this action to the town to be handled as a local matter

**Motion** – Mr. Ruth

**Second** – Mr. Bartels

**Opposed** –

**Abstention** –

#### **Comments:**

- 1) the hardship criteria that are required to grant the area variance must be substantiated at the local level,
- 2) the minimum variance necessary should be considered and
- 3) repeated requests for similar variances (e.g. height variances for wind turbines) could signal the need to examine zoning regulations to determine if they still meet desired objectives.

#### **The Special Permit was reviewed with the following determination:**

**Action** – Approve with Modification with comments

**Motion** – Mr. Catalano

**Second** – Mr. Peters

**Opposed** –

**Abstention** –

**Motion carried**

#### **Comments:**

The Board felt that the proposed tower should be moved further away from “Building 1” - Shed 40' x 70' (as labeled on the provided Plot Plan) so there are no structures within the turbine “fall zone”. For information, the Board routinely has the following comments 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 (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 and
- 9) a decommissioning plan should be considered for the proposed system.

The property owner(s) should also 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.

**Matt Vanderbrook of SED was available for a short concept review of a community solar array in the Town of Ontario which will return for a later meeting.**

**Lannon Site Plan, 4999 Lincoln Road, T. Walworth**

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61116-00-669046

2 lot subdivision. Mr. Lannon was available for questions.

**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** –

**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 and
- 3) future plans (if any) for the total acreage should be considered.

**Premier Retail, Inc., 1635 Commons Parkway, T. Macedon**

Preliminary/Final Site Plan, Tax Map Ref. No. 62111-00-148888

Ten new 4,000 sq. ft. mini-storage buildings. Don Lewis of AEY presented.

**Action** – Approve with Comments

**Motion** – Mr. Ruth

**Second** – Mr. Burns

**Opposed** –

**Abstention** – Mr. Bartels

**Motion carried**

**Comments:**

- 1) the proposed buildings should be developed in a manner that helps them remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, maintenance, etc.. This could be of particular importance given the site's location near the NYS Canal Corridor (NYS Rt. 31),
- 2) on-site traffic circulation and how it relates to items such as proposed parking area(s), building locations, existing on-site business operations, driveway location, future plans, etc. should be determined/delineated,

- 3) dust control measures should be considered, and implemented if necessary, for the proposed stone/gravel access driveway,
- 4) local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. police and fire),
- 5) all proposed development must meet NYS Uniform Fire Prevention and Building Codes,
- 6) all necessary local, federal and NYS permits/regulations must be obtained/followed (e.g. NYS Department of Environmental Conservation-Phase II Stormwater Management and Erosion and Sediment Control Regulations),
- 7) any/all hazardous/toxic materials that may be associated with the proposed use must be properly stored, handled and disposed of,
- 8) 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/buffer area and any planning/development should be done in accordance with applicable regulations and
- 9) future plans (if any) for the total acreage should be considered.

**“Animal Junction” cell site, 968 Whitney Road, T. Walworth**

Preliminary Site Plan / Special Permit, Tax Map Ref. No. 62116-00-110689

124’ monopole tower, wireless communications facility and site improvements. Jared Lusk of Nixon Peabody presented.

**Action** – Approve with Modifications with Comments

**Motion** – Mr. Burns

**Second** – Mr. Krolak

**Opposed** –

**Abstention** – Mr. Ruth abstains

**Motion carried**

**Comments:**

The Board felt the proposed tower should be moved and sited so the associated fall zone area is completely contained on the landowner’s property and will not contain road right of way or existing structures. Given the submitted “DETAILED SITE PLAN”, dated 05/06/2016, both Swadling Road (and the road right of way) as well as an “Existing One Story Metal Barn” appear to be within the proposed tower’s fall zone area. This setback/fall zone situation could be exacerbated even further if there is a future need to heighten the tower to provide room for additional telecommunication providers (it appears that only one co-locator is currently provided for). Also, it could be helpful for the town to confirm if all existing structures/towers, including those owned by other companies, were examined for colocation potential. For information, the following are comments the board references when reviewing cell tower proposals:

- 1) 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.
- 2) 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).
- 3) SEQR should be closely adhered to, ensuring that proper environmental reviews are conducted.
- 4) Exhaust all available alternative sites, including the use of existing structures, prior to approval of any application.
- 5) Require carriers to provide a master plan for the development of proposed tower sites throughout your municipality, prior to the approval of any additional applications.

Additionally, the property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland area, NYSDEC wetland area as well as FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

**Barbara Heilig, 4200 Cauwels Road, T. Arcadia**

Special Permit, Tax Map Ref. No. 67115-00-459052

Manufactured home for accessory dwelling for relative.

**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. Ruth

**Second** – Mr. Baker

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) a site plan should be provided that fully illustrates the location and size of the proposed accessory dwelling, as well as existing on-site development and parcel boundaries (the provided septic plans only show a “corner of the new cottage”),
- 2) the proposed lots (if subdivision of the “parent parcel” is ultimately considered, as suggested by the Arcadia Planning Board at their 06/20/16 meeting) should meet town regulations and 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) proposed development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable),
- 4) the existing and proposed on-site wastewater treatment systems must meet NYS Department of Health regulations,
- 5) the existing and proposed (if applicable) water well(s) must meet NYS Department of Health regulations,
- 6) future plans (if any) for the total acreage should be considered and
- 7) 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.

**Walter Rykojc, 6349 Knickerbocker Road, T. Ontario**

Special Permit / Preliminary/Final Site Plan, Tax Map Ref. No. 63117-10-265736

Renovate building for used car sales

**Action** – Approve with Comments

**Motion** – Mr. Burns

**Second** – Mr. Thorn

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) property use/development should proceed in a manner that helps it remain compatible with surrounding land uses (such as nearby residential uses) and is also aesthetically pleasing through use of items such as fencing, berms, landscaping, property maintenance etc.,
- 2) buffering/screening should be considered between the proposed operation and existing residential uses to help them remain compatible,
- 3) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact nearby residential uses),
- 4) on-site traffic circulation, as it relates to existing structure and utility locations, proposed auto display and parking area(s), etc., should be determined/delineated,
- 5) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations,
- 6) emergency service vehicle access should be provided for,

- 7) outside storage should be limited (e.g. equipment in disrepair should not be permitted to accumulate),
- 8) any/all hazardous/toxic materials must be properly stored, handled and disposed of,
- 9) the building must meet applicable NYS Uniform Fire Prevention and Building Codes and
- 10) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Department of Environmental Conservation, if ever applicable given the scope of automobile service work proposed).

**Local Law #3 of 2016, 3600 Lorraine Drive/1940 Sherburne Road, T. Walworth**

Amend Map/Amend Text, Tax Map Ref. No. 63114-00-188272, 63114-00-282008

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Establish municipal facilities district and amend official zoning map.

**Action** – Approve with Comments

**Motion** – Mr. Thorn

**Second** – Mr. Peters

**Opposed** –

**Abstention** – Mr. Ruth

**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” (available online @ [http://www.dos.ny.gov/lg/publications/Zoning\\_and\\_the\\_Comprehensive\\_Plan.pdf](http://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf)),
- 2) the Town attorney should review and approve the proposed amendments and
- 3) consideration should be given to identifying specific public property (e.g. Ginegaw Park) on the proposed zoning map.

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 (available online @ [http://www.dos.ny.gov/lg/publications/Evaluating\\_Zoning.pdf](http://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf)).

**The following referrals were reviewed and determined to be of no intermunicipal or countywide impact:**

**Action** – Return these referrals to the towns to be handled as local matters

**Motion** – Mr. Lockwood

**Second** – Mr. Burns

**Opposed** –

**Abstention** –

**Motion carried**

**Gobeyn Subdivison, 4738 Farnsworth Road, T. Marion**

Final Subdivision Plan, Tax Map Ref. No. 66115-00-326753

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3 lot subdivision

**Comments:**

- 1) the proposed parcels 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 parcels 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) emergency service vehicle access should be provided for (if applicable, given future plans),
- 4) the property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland and any planning/development should be done in accordance with applicable regulations and
- 5) future plans (if any) for the total acreage should be considered.

**Nevelizer Subdivision, 4457 Witherden Road, T. Marion**

Final Subdivision Plan, Tax Map Ref. No. 66115-00-172514

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2 lot subdivision

**Comments:**

- 1) the proposed parcels 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 parcels 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) emergency service vehicle access should be provided for (if applicable, given future plans),
- 4) the property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland area, NYSDEC wetland area as well as FEMA flood zone area and any planning/development should be done in accordance with applicable regulations and
- 5) future plans (if any) for the total acreage should be considered.

**Cooman-Pembroke Subdivison, 4336 and 4350 West Walworth Road, T. Walworth**

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61115-00-999219, 61115-00-991280

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3 lot subdivision

**Comments:**

- 1) the proposed parcels 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 parcels 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.

**Court Site Plan, Ontario Center Road, T. Ontario**

Preliminary/Final Site Plan, Tax Map Ref. No. 62118-00-871212

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Single family home

**Comments:**

- 1) the proposed septic system must meet NYS Department of Health regulations,
- 2) the proposed driveway should have sight distance available that will meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) the proposed development should meet applicable NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable),
- 4) future plans (if any) for the total acreage should be considered and
- 5) the property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland and any planning/development should be done in accordance with applicable regulations.

**Other Business:**

There being no further business, Mr. Bartels made a motion to adjourn, seconded by Mr. Ruth. The meeting was adjourned at 8:15 PM.

Respectfully submitted,  
Tracy Lambie, Secretary