

## WAYNE COUNTY PLANNING BOARD

### MINUTES

January 31, 2018

Chairman, Matt Krolak called the January meeting of the Wayne County Planning Board to order at 7:00 p.m. in the Wayne County Office Building in Lyons, New York.

Board Present: Mert Bartels, Dave Broach, Steve Buisch, Ken Burgess, Rob Burns, Joe Catalano, Steve Guthrie, Bob Hutteman, Matt Krolak, Bert Peters, Larry Ruth, Ron Thorn

Staff: Bret DeRoo, Tracy Lambie

### DECEMBER 2017 MINUTES

**Action** – Approve

**Motion** – Mr. Hutteman

**Second** – Mr. Ruth

**Abstention** –

**Motion carried**

### ZONING AND SUBDIVISION REFERRALS

**This following 9 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. Peters

**Second** – Mr. Bartels

**Opposed** –

**Abstention** –

**Motion carried**

#### **Wood Rose Escape, 7386 Rose Avenue, T. Huron**

Special Permit, Tax Map Ref. No. 72119-18-422038

Short term rental of cottage

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#### **Comments:**

- 1) given comments found in the application packet, additional rental agreement restrictions or property modifications should be considered to help avoid conflicts with surrounding neighbors (e.g. clearly delineate property boundaries and ensure that renters understand where they are, enforce no trespassing rules, etc.),
- 2) 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 Great Sodus Bay,
- 3) on-site traffic circulation, parking area(s) and total number of available parking spaces should be determined/delineated,
- 4) emergency service vehicle access should be planned and provided for,
- 5) the rented structure(s) must meet applicable NYS Uniform Fire Prevention and Building Codes given the proposed use,
- 6) the onsite wastewater treatment system must meet applicable local and NYS codes and
- 7) the property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland area (approximate mapping available online at <http://www.dec.ny.gov/gis/erm/>), as well as FEMA flood zone area (approximate mapping available online at (<https://msc.fema.gov/portal>)), and any planning/development should be done in accordance with applicable regulations.

**Reid Petroleum 150 North Main Street, V. Newark**

Area Variance / Use Variance, Tax Map Ref. No. 68111-18-325128

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Replace freestanding sign with larger internally lit freestanding sign, replace second freestanding sign with internally lit sign, attach total of 11 signs to structure

**Comments:**

- 1) the hardship criteria (rules/test) that are required to grant the area and use variances must be substantiated at the local level,
- 2) the minimum variances necessary/adequate should be considered,
- 3) the proposed signs should not impede available sight distance(s),
- 4) the proposed signs should not impact the NYS Department of Transportation Main Street right of way and
- 5) the Village may wish to review applicable regulations to determine if they still meet intended objectives should there be repeated requests for similar variances.

**Deborah Dowd, 2533 Lake Road, T. Ontario**

Area Variance, Tax Map Ref. No. 63119-16-998483

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24'x36' pole barn closer to front property line than front of principal structure

**Comments:**

- 1) the hardship criteria (rules/tests) that are required to grant the area variance must be substantiated at the local level,
- 2) the minimum variance necessary should be considered,
- 3) the proposed pole barn should not impede available driveway sight distances,
- 4) the proposed pole barn should not impact the Lake Road right of way,
- 5) the property owner(s) should be aware that portions of the parcel may contain (or be near) FEMA flood zone area (approximate mapping available online at <https://msc.fema.gov/portal>) as well as 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) the Town may wish to examine zoning regulations to determine if they still meet intended objectives should there be repeated requests for similar variances.

**Marcellus Subdivision, 2636 Putnam Road, T. Ontario**

Preliminary/Final Site Plan / Preliminary/Final Subdivision Plan, Tax Map Ref. No. 64118-00-115962

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2 lot subdivision, 1 site plan

**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 (or connection to municipal sewer) that will meet local and/or 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.,
- 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 property owner(s) should be aware that portions of the parcels may contain (or be near) National wetland (approximate mapping available online at <http://www.fws.gov/wetlands/Data/Mapper.html>) and any planning/development should be done in accordance with applicable regulations.

**Robert Colletta, 4559 S. Creek Road, T. Palmyra**

Final Site Plan / Final Subdivision Plan, Tax Map Ref. No. 66112-00-575471

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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 (or connection to municipal sewer) that will meet local and/or 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.,
- 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) FEMA flood zone area (approximate mapping available online at <https://msc.fema.gov/portal>) as well as 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.

**Brent Bushart, 5303 Joy Road, T. Sodus**

Preliminary Subdivision Plan/Area Variance, Tax Map Ref. No. 67115-00-566717

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Separate 1 acre with home from remaining parcel

**Comments:**

- 1) the hardship criteria (rules/test) that are required to grant the area variance must be substantiated at the local level,
- 2) the minimum variance necessary should be considered,
- 3) the Town may wish to examine zoning regulations to determine if they still meet intended objectives should there be repeated requests for similar variances,
- 4) the proposed lots should be configured with enough area for each lot to contain an existing and/or construct a new septic system (or connection to municipal sewer) that will meet local and/or NYS Department of Health regulations,
- 5) 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,
- 6) the proposed lots should meet zoning regulations regarding building setbacks etc.,
- 7) future plans (if any) for the total acreage should be considered,
- 8) future development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable),
- 9) future 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) and
- 10) the applicant(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area and NYS Department of Environmental Conservation wetland area (approximate mapping available for both online at <http://www.dec.ny.gov/gis/erm/>) as well as FEMA flood zone area (approximate mapping available online at <https://msc.fema.gov/portal>) and any planning/development should be done in accordance with applicable regulations.

**Harter, 7000 Route 14, V. Sodus Point**

Special Permit, Tax Map Ref. No. 71118-09-139615

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10' satellite dish where 42" allowed

**Deborah Amsler, 5402 Ontario Center Road, T. Walworth**  
Preliminary/Final Subdivision Plan, Tax Map Ref. No. 63116-00-175565  
2 lot subdivision, separate house from remaining parcel

**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/>) 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.

**Deborah Amsler, 5267 Ontario Center Road, T. Walworth**  
Preliminary/Final Subdivision Plan, Tax Map Ref. No. 63116-00-022426  
2 lot subdivision, separate house from remaining parcel

**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 property owner(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area and NYS Department of Environmental Conservation wetland area (approximate mapping available for both online at <http://www.dec.ny.gov/gis/erm/>) 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.

**Pier Fifty Three, 7147 Lake Bluff Road, T. Huron**  
Special Permit, Tax Map Ref. No. 72118-00-574733, 72118-00-590750, 72118-11-605740  
Open air bar & pavilion with bathhouse w/showers for dock rentals

**Action** – Approve with Comments

**Motion** – Mr. Guthrie

**Second** – Mr. Peters

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) development should be done in a manner that helps it remain compatible with surrounding and on-site land uses and is also aesthetically pleasing through use of items such as pavilion design/materials, noise abatement measures, fencing, berms, landscaping, etc., particularly given that the parcel is located near Great Sodus Bay,
- 2) existing and proposed on-site traffic circulation, building area(s), and associated parking areas should be designed/developed in a manner (e.g. off road and not in the Lake Bluff Road right of way) that will provide safe pedestrian and vehicular interaction between those items as well as potential future development (if applicable),
- 3) development must meet applicable local and NYS regulations such as Town of Huron and NYS Department of Health waste water treatment and water supply regulations and NYS Uniform Fire Prevention and Building Codes,
- 4) emergency service vehicle access should be provided,
- 5) future plans (if any) for the total acreage should be considered and
- 6) the property owner(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area and NYS Department of Environmental Conservation wetland area (approximate mapping available for both online at <http://www.dec.ny.gov/gis/erm/>) as well as FEMA flood zone area (approximate mapping available online at <https://msc.fema.gov/portal>) and any planning/development should be done in accordance with applicable regulations.

**The Green Angels, 201 Canandaigua Street, V. Palmyra**

Use Variance, Tax Map Ref. No. 64111-11-632588

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Use building to store donated items before distribution

**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. Guthrie

**Second** – Mr. Burgess

**Opposed** –

**Abstention** – Mr. Krolak

**Motion carried**

**Comments:**

- 1) the hardship criteria (rules/test) that are required to grant the use variance must be substantiated at the local level,
- 2) the minimum variance necessary/adequate should be considered,
- 3) the Village may wish to examine zoning regulations to determine if they still meet intended objectives should there be repeated requests for similar variances.

For reference, the NYS Department of State has a useful reference document available, “**Zoning Board of Appeals**”, on their website @ [https://www.dos.ny.gov/lg/publications/Zoning\\_Board\\_of\\_Appeals.pdf](https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf).

Details regarding each of the use variance “hardship rules/test” and the requirement that the ZBA must find that each of the elements of the test have been met by the applicant can be found in this document.

The following comments relate to the proposed use should the use variance application be approved by the Village. Many of the comments below relate to items that the board is charged to review by General Municipal Law, Section 239-1.2. The Board would ultimately like to ensure that the proposed development is compatible with surrounding (including R1-zoned) land uses. The comments related to the proposed use follow:

- 1) development should be done in a manner that helps it remain compatible with existing surrounding land uses and is also aesthetically pleasing through use of items such as building/property maintenance,

- fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled Canandaigua Street (NYS Rt. 21),
- 2) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed use remain compatible with surrounding land uses (e.g. mitigate visual and noise impacts, particularly as they relate to adjacent residential uses),
  - 3) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations) and on-site traffic circulation. The information could be useful for emergency service providers to review and know also,
  - 4) emergency service vehicle access should be provided and local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire),
  - 5) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes, NYS Department of Health, etc.) and
  - 6) future plans (if any) for the total acreage should be considered.

**Scott Hartman, 628 E. Main Street, V. Palmyra**

Area Variance/Use Variance, Tax Map Ref. No. 65111-09-052592

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Convert commercial property to residential apartments

**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. Thorn

**Second** – Mr. Peters

**Opposed** –

**Abstention** – Mr. Krolak

**Motion carried**

**Comments:**

- 1) the hardship criteria (rules/test) that are required to grant the area and use variances must be substantiated at the local level,
- 2) the minimum variances necessary/adequate should be considered and
- 3) the Village may wish to examine zoning regulations to determine if they still meet intended objectives should there be repeated requests for similar variances.

For reference, the NYS Department of State has a useful reference document available, “**Zoning Board of Appeals**”, on their website @ [https://www.dos.ny.gov/lg/publications/Zoning\\_Board\\_of\\_Appeals.pdf](https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf).

Details regarding each of the area and use variance “hardship rules/test” and the requirement that the ZBA must find that each of the elements of the test have been met by the applicant can be found in this document.

The following comments relate to the proposed use should the area and use variance applications be approved by the Village. Many of the comments below relate to items that the board is charged to review by General Municipal Law, Section 239-1.2. The Board would ultimately like to ensure that the proposed development is compatible with surrounding land uses. The comments related to the proposed use follow:

- 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/property maintenance, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled East Main Street (NYS Rt. 31),
- 2) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed use remain compatible with surrounding land uses (e.g. mitigate visual and noise impacts),

- 3) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations) and on-site traffic circulation. The information could be useful for emergency service providers to review and know also,
- 4) emergency service vehicle access should be provided and local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire),
- 5) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes, NYS Department of Health, etc.) and
- 6) future plans (if any) for the total acreage should be considered.

**Fleishmann’s Vinegar Transfer Station, 5020 Huron Street, T. Rose**

Special Permit, Tax Map Ref. No. 73116-00-899073

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Railcar to truck trans-load operation

**Action** – Approve with Comments

**Motion** – Mr. Ruth

**Second** – Mr. Burns

**Opposed** –

**Abstention** – Mr. Guthrie

**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 (shed) design/materials, fencing, berms, landscaping, property maintenance, etc.,
- 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) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses - if applicable),
- 4) 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 Railroad Avenue/Huron Street,
- 5) a driveway permit should be obtained from the Wayne County Public Works Department (if applicable),
- 6) emergency service vehicle access should be provided and local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire),
- 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) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. Alcohol and Tobacco Tax and Trade Bureau, NYS Department of Environmental Conservation regulations, NYS Uniform Fire Prevention and Building Codes, etc.) and
- 10) future plans (if any) for the total acreage should be considered.

**Ellen Moyer mobile home, 7138 Route 104A, T. Wolcott**

Special Permit, Tax Map Ref. No. 78118-00-368727

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Install 1990 model single wide mobile home

**Action** – Approve with Comments

**Motion** – Mr. Guthrie

**Second** – Mr. Bartels

**Opposed** –

**Abstention** – Mr. Burgess

**Motion carried**

**Comments:**

- 1) the proposed manufactured home and site should be developed in a manner that keeps it compatible with surrounding land uses and is also aesthetically pleasing through use of items such as home/property maintenance, landscaping, screening, etc., particularly given the parcel location on the Great Lakes Seaway Trail,
- 2) the septic system must meet NYS Department of Health regulations (i.e. the proposed manufactured home should not be within required septic system setbacks, the system should be pumped and dye tested, etc.) and
- 3) the proposed structure must meet NYS Uniform Fire Prevention and Building Codes, including setbacks from property lines.

**Newark Code, V. Newark**

Amend Text

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**Action** – Approve with Comments

**Motion** – Mr. Guthrie

**Second** – Mr. Ruth

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

The Village attorney should review and approve the proposed changes.

For reference, the following documents may contain useful information and are available from the NYS Department of State on their website 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)

**Galen Zoning, T. Galen**

Amend Text

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**Action** – Approve with Comments

**Motion** – Mr. Hutteman

**Second** – Mr. Burgess

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

The town attorney should review and approve the proposed changes.

For reference, the following documents may contain useful information and are available from the NYS Department of State on their website 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)

**American Towers, LLC, 11265 Turnpike Road, T. Galen**  
Special Permit/Final Site Plan, Tax Map Ref. No. 74110-00-902276

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125' cell tower

**Action** – Approve with Comments

**Motion** – Mr. Catalano

**Second** – Mr. Hutteman

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 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) all available alternative sites should be exhausted, including the use of existing structures, prior to approval of any application,
- 5) the carrier should provide a master plan for the development of proposed tower sites throughout your municipality, prior to the approval of any additional applications,
- 6) the proposed access driveway should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 7) visual and aesthetic impacts should be examined/mitigated and the proposed tower location and design implemented to be compatible with surrounding land uses. As examples, “stealth tower” design alternatives should be provided by the applicant to determine if there are options that would help the tower blend more easily with surrounding land uses and the tower should be located to maximize screening and also separation from surrounding structures,
- 8) the tower “fall zone” should be completely contained on the applicant(s) property,
- 9) the tower lease area should be sized with enough space to contain the tower fall zone as calculated given the maximum potential tower height, including all components and any possible future extensions and
- 10) all applicable local, state and federal regulations must always be complied with, including but not limited to Federal Communications Commission (FCC) exposure limits and guidelines for human exposure to radiofrequency electromagnetic fields. The board recommends requiring routine (e.g. semi-annual) monitoring of the radiofrequency electromagnetic fields to be sure they are compliant with regulations.

**Preston Landscaping Services, Inc., 1640 Route 104, T. Ontario**  
Preliminary/Final Site Plan, Tax Map Ref. No. 62117-12-047662

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Stormwater mitigation facility and relocate entrance

**Action** – Approve with Comments

**Motion** – Mr. Guthrie

**Second** – Mr. Burgess

**Opposed** – Mr. Hutteman

**Abstention** – Mr. Catalano

**Motion carried**

**Comments:**

- 1) any/all applicable NYS Department of Transportation permits/recommendations must be obtained/followed (e.g. a driveway permit should be obtained, no development should take place in the NYS Department of Transportation right-of-way, there should be no parking on the shoulder of NYS Rt. 104, etc.),
- 2) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations and no on-site development should impede available sight distance,
- 3) proposed on-site traffic circulation, display areas, storage areas, building areas, stormwater management areas and associated parking areas should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items, NYS Rt. 104 and potential future development (if applicable),
- 4) screening (e.g. fence, berm, landscaping, etc.) should be used to help the commercial development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent residential uses located along Ridge Road),
- 5) the site should be developed/maintained in an aesthetically pleasing manner (i.e. through use of items such as landscaping, screening, etc.) as the parcel is located on the highly traveled NYS Rt. 104,
- 6) outside storage should be limited (e.g. equipment in disrepair should not be permitted to accumulate),
- 7) any toxic/hazardous materials (associated with any on-site activity) should be properly stored, handled and disposed of,
- 8) future plans (if any) for the total acreage should be considered and
- 9) all necessary local, federal and state approvals/permits/recommendations must be followed/obtained (e.g. NYS Department of Environmental Conservation-Phase II Stormwater Management and Erosion and Sediment Control Regulations).

**Cantori Development, 4915 Galen Road, T. Rose**  
Special Permit, Tax Map Ref. No. 75116-00-141020.2

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Keep more than 1 unregistered vehicle on property

**Action** – Disapprove with Comments

**Motion** – Mr. Catalano

**Second** – Mr. Burgess

**Opposed** –

**Abstention** – Mr. Guthrie

**Motion carried**

**Comments:**

The proposal does not appear to meet, or is in direct conflict with, New York State Codes, Rules and Regulations.

As a note the Board also had the following comments:

- 1) development must meet applicable local, New York State and federal regulations and
- 2) the applicant(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area and NYS Department of Environmental Conservation 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.

**Other Business:**

Motion for adjournment made by Mr. Bartels, seconded by Mr. Hutteman. There being no further business, the meeting was adjourned at 8:45 PM.

Respectfully submitted,

Tracy Lambie, Secretary