

## WAYNE COUNTY PLANNING BOARD

### MINUTES

April 25, 2018

Chairman, Matt Krolak called the April 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: Ron Baker, Mert Bartels, 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

### MARCH 2018 MINUTES

**Action** – Approve

**Motion** – Guthrie

**Second** – Peters

**Abstention** –

**Motion carried**

### ZONING AND SUBDIVISION REFERRALS

**This following 5 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**

**Tom & Kim Tenny, 6275 Bayshore Road, T. Huron**

Special Permit, Tax Map Ref. No. 72117-12-968648

Short term rentals, less than 2 weeks.

### **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 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,
- 6) additional rental agreement details and/or property modifications should be considered to help promote compatibility and avoid conflicts with surrounding neighbors/land uses (e.g. clearly delineate property boundaries and ensure that renters understand where they are, enforce no trespassing rules, etc.) 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.

**Ridge Road Estates, 226 Ridge Road, T. Ontario**  
Area Variance, Tax Map Ref. No. 61117-00-071425

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Construct 38'x40' pole barn nearer front property line than main building.

**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/adequate should be considered,
- 3) the Town may wish to review applicable regulations to determine if they still meet intended objectives should there be repeated requests for similar variances and
- 4) 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/>) and any planning/development should be done in accordance with applicable regulations.

For reference, the NYS Department of State has a useful reference document available, “**Zoning Board of Appeals**”, on their website.

**Greg Bell, 1124 Route 104, T. Ontario**  
Area Variance, Tax Map Ref. No. 62117-00-235610

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4'x8' sign

**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/adequate should be considered,
- 3) the proposed sign should not impede available sight distance(s),
- 4) the proposed sign should not impact the NYS Department of Transportation Rt. 104 right of way (according to the provided site plan, the sign will not be in the right of way),
- 5) the NYS Department of Transportation should have an opportunity to review the proposal to determine potential impacts (if any),
- 6) the Town may wish to review applicable regulations to determine if they still meet intended objectives should there be repeated requests for similar variances and
- 7) 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>), and any planning/development should be done in accordance with applicable regulations.

**Mary D'Angelo, 6775 Furnace Road, T. Ontario**  
Preliminary/Final Site Plan, Tax Map Ref. No. 63118-00-510276

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Single Family home

**Comments:**

- 1) the onsite septic system must meet NYS Department of Health regulations,
- 2) the 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) and
- 5) future plans (if any) for the total acreage should be considered.

**Jacobs Subdivison, 202 Boston Road, T. Ontario**  
Preliminary/Final Site Plan / Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61118-00-099623

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2 lot subdivision, 1 single family home.

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

**Michael Specht, 249 David Parkway, T. Ontario**

Preliminary/Final Site Plan, Tax Map Ref. No. 61117-00-110876

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10,000 sq. ft. masonry building with parking. Al LaRue of McMahon LaRue presented.

**Action** – Approve with Comments

**Motion** – Mr. Peters

**Second** – Mr. Baker

**Opposed** –

**Abstention** – Mr. Catalano

**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) 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. 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 David 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.).

**Bob Hutteman arrived 7:15**

**Optimax Systems, Inc., 6367 Dean Parkway, T. Ontario**

Preliminary/Final Site Plan, Tax Map Ref. No. 61117-00-168798

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+/- 46,350 sq. ft. bldg. addition. Linc Swedrock of BME presented.

**Action** – Approve with Comments

**Motion** – Mr. Guthrie

**Second** – Mr. Peters

**Opposed** –

**Abstention** – Mr. Catalano

**Motion carried**

**Comments:**

- 1) as noted on the February 2018 Site Plan, the proposed development is within a Federal (United States Army Corps of Engineers - USACE) designated wetland area. Therefore, it is recommended that all necessary USACE/NYSDEC recommendations and approvals/permits are followed/obtained and any planning/development should be done in accordance with applicable regulations,
- 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 Dean Parkway and near the highly traveled NYS Rt. 104 corridor,
- 3) 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),
- 4) 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. 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 Dean Parkway and David Parkway,
- 5) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses - if applicable),
- 6) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 7) any toxic/hazardous materials should be properly stored, handled and disposed of,
- 8) emergency service vehicle access should be provided for,
- 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 regulations, NYS Uniform Fire Prevention and Building Codes, etc.).

**Ontario Barn Vineyards, 513 Whitney Road, T. Ontario**

Special Permit, Tax Map Ref. No. 61116-00-460820

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To include hosting weddings. Ryan Kirnan presented.

**Action** – Approve with Comments

**Motion** – Mr. Ruth

**Second** – Mr. Burgess

**Opposed** – Mr. Guthrie

**Abstention** – Mr. Catalano

**Motion carried**

**Comments:**

- 1) 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.). The Board felt that following NYS Department of Health regulations regarding items such as wastewater treatment, potable water supply and possible food preparation could be particularly important, given the overall scope of the proposed business,

- 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 design/materials, fencing, berms, landscaping, property maintenance etc.,
- 3) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed commercial development remain compatible with surrounding land uses (e.g. mitigate visual and noise impacts, particularly as they relate to adjacent residential uses),
- 4) 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,
- 5) there should be an adequate number of dedicated parking spaces available for the intended use and all parking should be on-site (i.e. there should be no “on-road” parking and lawn area should not be used for parking),
- 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). The Board felt that it would be important for a “fire lane” to always be kept clear/open,
- 7) future plans (if any) for the total acreage should be considered and
- 8) 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/>) and any planning/development should be done in accordance with applicable regulations.

**Cracker Box Palace / Sun Common dba Green Spark, 6450 Shaker Road, T. Sodus**

Special Permit, Tax Map Ref. No 71117-00-752682, 71117-00-752682.1

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Commercial solar array. Rachel Clar of SunCommon (GreenSpark) presented.

**Action** – Approve with Comments

**Motion** – Mr. Ruth

**Second** – Mr. Guthrie

**Opposed** – Mr. Thorn, Mr. Peters

**Abstention** – Mr. Baker

**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 system design/materials, fencing, berms, landscaping, etc.,
- 2) it should be confirmed that the solar panels will not produce a glare (possibly impacting neighboring property owners, motorists, etc.),
- 3) a photovoltaic system decommissioning plan should be intact,
- 4) the access driveway should have sight distances available that meet AASHTO (American Association of State Highway and Transportation Officials) recommendations,
- 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 Environmental Conservation – Phase II stormwater management and erosion and sediment control regulations – if applicable, NYS Office of Parks, Recreation and Historic Preservation/SHPO, US Army Corps of Engineers and US Fish and Wildlife Service),
- 6) 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 and
- 7) future plans (if any) for the total acreage should be considered.

For reference, the following are items that the Board feels could be considered when reviewing photovoltaic system applications in the future (Source: NYS Department of State, Division of Local Government Services, “Solar Energy Regulation” presentation). Hopefully they are helpful:

**Compatibility with neighborhood character:**

1. Do not negatively impact adjacent uses
2. Visually compatible
  - a. For example, potential impact includes glare or reflection, which might be nuisance to other property owner or impair visibility of motor vehicle drivers
3. Use sensitivity especially in areas containing unique architectural styles or historic structures

**Review elements:**

- 1) Access to solar energy
- 2) Casting shadows
- 3) Blocking view sheds
- 4) Causing glare
- 5) Rain run-off

**Decommissioning provisions:**

- Some municipalities address abandonment, decommissioning or “cessation of activity” within their regulations
- For example, “Must ensure site will be restored to useful, nonhazardous condition, including completion time frame for complete removal of collectors, mounts and other associated equipment and facilities”
- Some require decommissioning plans, especially for commercial scale projects

**Lamora Farms, 5925 Ontario Center Road, T. Ontario**

Preliminary/Final Site Plan, Tax Map Ref. No. 62117-00-811194

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24’x44’ migrant farmworker housing building, land to remain ag use.

**Action** – Approval with Comments

**Motion** – Mr. Peters

**Second** – Mr. Ruth

**Opposed** –

**Abstention** – Mr. Catalano

**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 and is also aesthetically pleasing through use of items such as fencing, berms, landscaping, property maintenance etc., particularly given that the parcel is located on/near the highly traveled NYS Rt. 350,
- 3) on-site traffic circulation and how it relates to items such as proposed parking area(s), building location(s), on-site farm operations, driveway location, future plans, etc. should be determined/delineated,
- 4) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations,
- 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 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>) and any planning/development should be done in accordance with applicable regulations.

For reference, a guideline document, “**Guidelines for Review of Local Laws Affecting Farm Worker Housing**” may contain useful information and is available from the NYS Department of Agriculture and Markets on their website.

**Local Law 3 of 2018, T. Huron**

Amend Text

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Solar energy systems

**Action** – Approve with Comments

**Motion** – Mr. Catalano

**Second** – Mr. Ruth

**Opposed** –

**Abstention** –

**Motion carried**

**Comments:**

- 1) the proposed zoning update 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)) and
- 2) the Town attorney should review and approve the proposed amendments.

For reference, the following are items that the Board feels could be considered when reviewing photovoltaic system applications in the future (Source: NYS Department of State, Division of Local Government Services, “Solar Energy Regulation “presentation). Hopefully they are helpful:

**Compatibility with neighborhood character:**

1. Do not negatively impact adjacent uses
2. Visually compatible
  - a. For example, potential impact includes glare or reflection, which might be nuisance to other property owner or impair visibility of motor vehicle drivers
3. Use sensitivity especially in areas containing unique architectural styles or historic structures

**Review elements:**

- 1) Access to solar energy
- 2) Casting shadows
- 3) Blocking view sheds
- 4) Causing glare
- 5) Rain run-off

**Decommissioning provisions:**

- Some municipalities address abandonment, decommissioning or “cessation of activity” within their regulations
- For example, “Must ensure site will be restored to useful, nonhazardous condition, including completion time frame for complete removal of collectors, mounts and other associated equipment and facilities”

- Some require decommissioning plans, especially for commercial scale projects

For reference, the following documents may also 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)

**Other Business:**

Mr. Krolak presented a plaque to Mr. Buisch in appreciation of his 11 years of service to the Wayne County Planning Board representing the Town of Lyons.

There being no further business, Mr. Hutteman made a motion to adjourn the meeting, seconded by Mr. Bartels. The meeting was adjourned at 8:04 PM.

Respectfully submitted,  
Tracy Lambie, Secretary