

WAYNE COUNTY PLANNING BOARD

MINUTES

March 28, 2018

Chairman, Matt Krolak called the March 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, Ken Burgess, Rob Burns, Joe Catalano, Steve Guthrie, Bob Hutteman, Matt Krolak, Larry Lockwood, Bert Peters, Larry Ruth, Ron Thorn

Staff: Bret DeRoo

FEBRUARY 2018 MINUTES

Action – Approve

Motion – Mr. Hutteman

Second – Mr. Peters

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

This following 13 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. Guthrie

Second – Mr. Peters

Opposed –

Abstention –

Motion carried

Daniel & Virginia Squire, 6269 Bayshore Road, T. Huron

Special Permit, Tax Map Ref. No. 72117-12-966641

Short term rentals, less than 2 week.

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.

Biscayne Properties, LLC, 1130 Route 104, T. Ontario

Area Variance, Tax Map Ref. No. 62117-00-242651

4'x8' business 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,
- 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.

Eleuterio Martinez, 7180 Furnace Road, T. Ontario

Preliminary/Final Site Plan, Tax Map Ref. No. 63118-00-701779

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 (ideas to consider that may help improve sight distance/ provide safer access to Furnace Road: move driveway further to the south to help improve sight distance to the north, require a turn-around in the driveway so there is no backing onto Furnace Rd, remove vegetation that blocks sight distance, etc.),
- 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.

Kawych Lassie Subdivision, 7361 Ontario Center Road, T. Ontario

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 62119-00-863028

Subdivide 1.250 acres with existing house.

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 must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable),
- 4) 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),
- 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 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.

SunCommon, 7284 Knickerbocker Road, T. Ontario

Use Variance, Tax Map Ref. No. 63118-00-424954

Ground mounted solar.

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 should be considered,
- 3) 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.,
- 4) it should be confirmed that the solar panels will not produce a glare (possibly impacting neighboring property owners, motorists, etc.),
- 5) a photovoltaic system decommissioning plan should be intact,
- 6) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes) and
- 7) the Town may wish to review applicable regulations to determine if they still meet intended objectives should there be repeated requests for similar variances (e.g. the Town may wish to consider permitting residential solar systems in the SR zone).

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.

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.

For reference, the following are items that the Board feels could be considered when reviewing photovoltaic system applications (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

Chris Lyon, 2799 Lyon Road, T. Palmyra

Final Subdivision Plan, Tax Map Ref. No. 66113-00-684282

3 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) the proposed lots should meet zoning regulations for lot size, building setbacks etc.,
- 4) future plans (if any) for the total acreage should be considered,
- 5) development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable),
- 6) 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
- 7) the property owner(s) should be aware that portions of the parcel may contain (or be near) both National and NYS Department of Environmental Conservation wetland area (approximate mapping for both 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.

Paul Wilsey, 2038 Hadden Road, T. Savannah

Final Subdivision Plan, Tax Map Ref. No. 76112-00-315306

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 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) the proposed lots should meet zoning regulations for lot size, building setbacks etc.,
- 4) future plans (if any) for the total acreage should be considered,
- 5) development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable) and
- 6) 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).

Karen Wright, 5965 South Geneva Road, T. Sodus

Preliminary Subdivision Plan, Tax Map Ref. No. 70117-00-558272

Subdivide 1 acre from 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 (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) the proposed lots should meet zoning regulations for lot size, building setbacks etc.,
- 4) future plans (if any) for the total acreage should be considered,
- 5) development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable),
- 6) 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
- 7) 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/>) and any planning/development should be done in accordance with applicable regulations.

Ryan Kromm Subdivision/Site, 379 Plank Road, T. Walworth

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61116-00-289182

Subdivide 1.184 acres for future residential 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 must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable),
- 4) 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.,
- 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 may contain (or be near) both National and NYS Department of Environmental Conservation wetland area (approximate mapping for both 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.

Baker Road Re-Subdivison, 3515 Baker Road, T. Walworth

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 62114-00-498159

Convey 2.244 acres to parcel from Golf Club at Blue Heron Hills, creating 10.248 acre parcel.

Comments:

- 1) the proposed lot should be configured with enough area 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 lot should be configured with enough area to have a driveway that meets AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) future plans (if any) for the total acreage should be considered,

- 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) 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
- 6) the property owner(s) should be aware that portions of the parcel may contain (or be near) both National and NYS Department of Environmental Conservation wetland area (approximate mapping for both 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.

Bavis Subdivision, 3655/3639 Main Street, T. Walworth

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 63114-00-488364, 63114-15-599355

Property Line adjustment, re-subdivision of 2 parcels

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) future plans (if any) for the total acreage should be considered,
- 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) 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
- 6) the property owner(s) should be aware that portions of the parcel may contain (or be near) both National and NYS Department of Environmental Conservation wetland area (approximate mapping for both 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.

Scott Davies Subdivision, Lincoln Road, T. Walworth

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61116-00-669045

3 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 must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable),
- 4) 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. and
- 5) future plans (if any) for the total acreage should be considered.

Fire Hall Sign, 4049 Lake Road, T. Williamson
Area Variance, Tax Map Ref. No. 65119-00-884571

Install electronic sign less than 25' from front line.

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 sign should not impede available sight distance(s),
- 4) the proposed sign should not impact the Lake Road right of way and
- 5) the Town may wish to review applicable regulations to determine if they still meet intended objectives should there be repeated requests for similar variances.

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

2. **“Questions for the Analysis and Evaluation of Existing Zoning Regulations”** @ http://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf

3. **“Zoning Board of Appeals”** @ https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf.

Details regarding each of the area variance “hardship rules/test” can be found in this document.

Johannes (Rick) Vos, 7487 East Townline Road, T. Williamson
Area Variance, Tax Map Ref. No. 67119-00-039165

Post-frame accessory structure 80' from right of way and 10' from north line.

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 – Mr. Hutteman

Abstention – Mr. Peters

Motion carried

Comments:

- 1) the hardship criteria (rules/test) that are required to grant the area variance must be substantiated at the local level and
- 2) the minimum variance necessary should be considered.

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.

Details regarding each of the area variance “hardship rules/test” can be found in this document.

Additional comments were made by the Board in relation to a potential (future) site plan should the area variance application be approved by the town and development proceed. 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 a potential site plan (if applicable) follow:

- 1) development should be done in a manner that helps it remain compatible with existing on-site and surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, etc.,
- 2) 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),
- 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 East Townline Rd.,
- 4) emergency service vehicle access should be provided for 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, US Army Corps of Engineers and/or NYS Department of Environmental Conservation wetland permit(s), etc.),
- 6) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 7) toxic/hazardous materials should be properly stored, used and disposed of (if applicable),
- 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 and
- 9) future plans (if any) for the total acreage should be considered.

Kevin DeLyser, 5213 Joy Road, T. Sodus

Special Permit, Tax Map Ref. No. 67115-00-633610

Operate existing machine shop under new ownership

Action – Approve with Comments

Motion – Mr. Peters

Second – Mr. Bartels

Opposed –

Abstention – Mr. Baker

Motion carried

Comments:

- 1) property use and maintenance should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, etc.,
- 2) 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),
- 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 Joy Rd. and Owls Nest Rd.,

- 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 and NYS Department of Environmental Conservation),
- 6) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 7) toxic/hazardous materials should be properly stored, used and disposed of (if applicable),
- 8) future plans (if any) for the total acreage should be considered and
- 9) the property owner(s) should be aware that portions of the parcel may contain (or be near) both National and NYS Department of Environmental Conservation wetland area (approximate mapping for both 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.

Proposed Local Law 1 of 2018, T. Ontario

Amend Text

Amend Chapter 150 to allow Farm Labor Camp use in SR Zone with Special Permit

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. Burgess

Opposed -

Abstention – Mr. Catalano

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

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

3. “[Guidelines for Review of Local Laws Affecting Farm Worker Housing](https://www.agriculture.ny.gov/AP/agservices/guidancedocuments/305-aFarmHousing.pdf)” @ <https://www.agriculture.ny.gov/AP/agservices/guidancedocuments/305-aFarmHousing.pdf>

JoTree, LLC, 6323 Knickerbocker Road, T. Ontario

Area Variance, Tax Map Ref. No. 63117-10-257710

2 self-storage buildings.

Action – Disapproval with Comments

Motion – Mr. Ruth

Second – Mr. Guthrie

Opposed –
Abstention – Mr. Catalano
Motion carried

Comments:

The Board felt they lacked information that is needed to help them assess the items they are charged to consider by General Municipal Law, Section 239 - 1.2. Unfortunately, no one attended the meeting to represent the application and help discuss the proposal. The Board had specific concerns/questions regarding the proposed density of development, particularly given the parcel width (76.46' listed on the site plan) and when considering items such as existing and proposed building locations as well as driveway and parking areas. The Board also questioned if granting the requested variance would create an undesirable change in the character of the neighborhood and also be considered too substantial, particularly given the development pattern/precedent and regulations the Town has established for the Business Transitional zone.

The following comments were recommended for consideration regarding the area variance:

- 1) the hardship criteria (rules/test) that are required to grant the area variance must be substantiated at the local level and
- 2) the minimum variance necessary should be considered.

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.

Details regarding each of the area variance "hardship rules/test" can be found in this document.

Additional comments were made by the Board in relation to the provided site plan (03/14/18) should the area variance application be approved by the town and development proceed. 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 a potential site plan (if applicable) follow:

- 1) development should be done in a manner that helps it remain compatible with existing on-site (e.g. professional office building) and 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 near the highly traveled NYS Rt. 104,
- 2) 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),
- 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 Knickerbocker Rd,
- 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 Environmental Conservation - Phase II stormwater management and erosion and sediment control regulations – if applicable, etc.),
- 6) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 7) toxic/hazardous materials should not be stored in the proposed storage units and
- 8) future plans (if any) for the total acreage should be considered.

Local Law 1 of 2018, Proposed Wellhead Protection Plan, T. Rose
Amend Text

Action – Approve with Comments

Motion – Mr. Catalano

Second – Mr. Ruth

Opposed –

Abstention – Mr. Guthrie

Motion carried

Comments:

- 1) the proposed law 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.html>),
- 2) the Town attorney should review and approve the proposed wellhead protection law,
- 3) the proposed law should comply with applicable New York State laws such as NYS Department of Environmental Conservation, Department of Health and NYS Department of Agriculture and Markets/Right to Farm Laws.
- 4) the proposed overall Wellhead Protection Overlay District Map boundaries should be confirmed to coincide with the 2 separate Time of Travel (TOT) Zone Map boundaries for each wellhead and
- 5) a definition should be added for “composting – agricultural facility”.

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

2. **“Questions for the Analysis and Evaluation of Existing Zoning Regulations”** @ http://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf

Other Business:

There being no further business, Mr. Krolak made a motion to adjourn the meeting, seconded by Mr. Bartels. The meeting was adjourned at 7:50 PM.

Respectfully submitted,
Tracy Lambie, Secretary