

WAYNE COUNTY PLANNING BOARD

MINUTES

May 30, 2018

Chairman, Matt Krolak called the May 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, Jim Burns, Rob Burns, Joe Catalano, Steve Guthrie, Bob Hutteman, Matt Krolak, Larry Lockwood, Larry Ruth, Ron Thorn, Jim Wedman

Staff: Bret DeRoo, Tracy Lambie

Mr. Krolak welcomed new Board members Jim Burns and Jim Wedman.

APRIL 2018 MINUTES

Action – Approve

Motion – Ruth

Second – Bartels

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

This following 4 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. R. Burns

Opposed –

Abstention –

Motion carried

Ronald Buerman, 5921 Richardson Road, T. Sodus

Preliminary Subdivision Plan, Tax Map Ref. No. 67117-00-530205

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) 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 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.

Wayne ARC sign, 150 Van Buren Street, V. Newark

Area Variance/Use Variance, Tax Map Ref. No. 68111-18-385107

Two 3' 4.75"x6' 6.5" freestanding LED signs, 2 freestanding signs with combined 44.6 sq. ft. exceeding permitted 20 sq. ft. for one freestanding

Comments:

- 1) the hardship criteria (rules/test) that are required to grant the use variances and area variance 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 Rt. 88 / Main Street right of way or Van Buren 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.

Aron Thompson, 6963 Lakeside Road, T. Ontario

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61118-00-827500

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) future plans (if any) for the total acreage should be considered,
- 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) 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) 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.

Gary LaBerge, 904 State Route 21 S., T. Palmyra

Final Subdivision Plan, Tax Map Ref. No. 64110-00-684945

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) the applicant(s) should be aware that portions of the parcel appear to contain (or be near) wetland area (**approximate** mapping is available for both National wetland and NYS Department of Environmental Conservation wetland area online at <http://www.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with associated regulations (if applicable). As a note, U.S. Army Corps of Engineers and/or NYS Department of Environmental Conservation staff may be able to confirm/delineate wetland area (if any) and
- 7) 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).

Knickerbocker Rd Self Storage, 6323 Knickerbocker Road, T. Ontario

Preliminary/Final Site Plan/Special Permit, Tax Map Ref. No. 63117-10-257710

2 self-storage bldgs totaling +/- 7,500 sq. ft. Mike Wall of T.Y. Lin International presented.

Action – Disapprove with Comments

Motion – Mr. Guthrie

Second – Mr. Bartels

Opposed –

Abstention – Mr. Catalano

Motion carried

Comments:

The Board was concerned that the parcel is not large enough (parcel width of 76.46’ listed on the site plan dated 04/11/18) to provide the space that is needed to meet the functional requirements of a self-storage facility (i.e. on-site traffic circulation, loading/unloading areas, emergency service vehicle access, stormwater management feature etc.) as well as an adequate buffer between this and surrounding land uses (e.g. apparent residential land use to the north). The Board was concerned that allowing development this close to a property line (8’ proposed, where 25’ is required) could lead to incompatible land uses and create an undesirable change in “community character” particularly given the development pattern/regulations the Town has established for the Business Transitional zone.

The Board would like to ensure that land uses are compatible with one another and also recommends that consideration be given to protecting community character particularly as it pertains to the relation between residential and nonresidential areas.

The Board offered the following comments for consideration should proposed development proceed:

- 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, 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.

Mobile Service Station/Taco Bell, 337/347 Route 31/Wayneport Road, T. Macedon

Area Variances, Tax Map Ref. No. 61111-00-260760, 61111-00-247760, 61111-00-251775

Demolish existing gas station, build new 4,600 sq ft with Taco Bell inside. Cole Papisergi of Marathon Engineering and applicant Mike Newcomb presented.

Action – Disapprove with Comments

Motion – Mr. Ruth

Second – Mr. Baker

Opposed – Mr. Catalano

Abstention – Mr. Bartels

Motion carried

Comments:

After considering items such as the number and type of area variances requested, town zoning regulations, Layout Plan details (plan dated 04/11/18), total parcel acreage and business details, the Board was concerned that the parcels are not large enough (or configured in a manner) to provide the space that is needed to best meet the functional requirements of the proposed uses. For example, there was specific discussion at the meeting regarding the request for a reduction in parking stall size. The Board felt that it is important for parking stall size to meet code requirements, particularly given the size of larger vehicles and the intent to protect them from damage. They would like ensure there is safe and efficient on-site vehicular and pedestrian traffic circulation as well as protected parking spaces/areas.

The Board also notes the following regarding the variance requests:

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

Wang/GreenSpark Solar, 6502 N. Geneva Road, T. Sodus

Special Permit, Tax Map Ref. No. 70117-00-712897

Build and operate commercial solar array on 9.3 acres. Rachel Clar of GreenSpark Solar presented.

Action – Approve with Comments

Motion – Mr. R. Burns

Second – Mr. Guthrie

Opposed –

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 (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
- 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

Beaver Creek Section 7, Gananda Parkway, T. Walworth

Preliminary/Final Subdivision Plan / Preliminary/Final Site Plan, Tax Map Ref. No 61114-19-505052

9 lot subdivision and 9 single family site plans. Larry Heininger of Marques & Associates presented.

Questions/comments were heard from the public.

Action – Approve with Comments

Motion – Mr. Guthrie

Second – Mr. Catalano

Opposed – Mr. R. Burns

Abstention – Mr. Ruth, Mr. Bartels

Motion carried

Comments:

- 1) 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.,
- 2) the Wayne County Public Works Department should review and approve of proposed plans (including, but not necessarily limited to, the proposed access to West Walworth Road from Blue Heron Way and the Gananda Parkway drainage easement),
- 3) emergency service vehicle access should be planned/provided for that meets the needs of the existing, as well as proposed subdivision,
- 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) stormwater management and erosion and sediment control plans must meet Phase II NYS Department of Environmental Conservation regulations,
- 7) development must meet applicable local, federal and NYS codes such as NYS Uniform Fire Prevention and Building Codes and
- 8) future plans (if any) regarding the overall Beaver Creek Subdivision should be considered.

Local Law No. 2 of 2018, T. Ontario

Amend Text

Chapter 150, Amend provision for solar energy systems.

Action – Approval with Comments

Motion – Mr. Guthrie

Second – Mr. Hutteman

Opposed –

Abstention – Mr. Catalano

Motion carried

Comments:

- 1) the Town should consider increasing the maximum allowable height of the ground - mounted solar energy systems to 12' rather than the proposed 10' maximum height. Given the Board's experience reviewing a few other large scale solar energy system applications, ground-mounted panels have been proposed to be up to 12' in height,
- 2) 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) and
- 3) the Town attorney should review and approve the proposed amendments.

Other Business:

There being no further business, the meeting was adjourned at 8:50 PM.

Respectfully submitted,
Tracy Lambie, Secretary