

WAYNE COUNTY PLANNING BOARD

MINUTES

August 29, 2018

Chairman, Matt Krolak called the August 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, Jim Burns, Rob Burns, Joe Catalano, Steve Guthrie, Matt Krolak, Larry Lockwood, Bert Peters, Larry Ruth, Ron Thorn, Jim Wedman

Staff: Bret DeRoo, Tracy Lambie

JULY 2018 MINUTES

Action – Approve

Motion – Mr. Guthrie

Second – Mr. Bartels

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

Dr. Mascioli, 918 North Main Street, V. Newark

Area Variance / Use Variance, Tax Map Ref. No. 68111-14-331408

Convert existing office space to 2 family dwelling, convert portion of building not currently for dwelling into dwelling unit, convert portion of building into residential resulting in 30.5% of buildings on North Main being 2 family or multi-family where 10% is permitted. Dr. Mascioli presented.

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. Ruth

Opposed –

Abstention –

Motion carried

Comments:

- 1) the hardship criteria (rules/tests) that are required to grant the use variance must be substantiated at the local level,
- 2) the minimum variances necessary/adequate 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 building/property maintenance, fencing, berms, landscaping, etc.,
- 4) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes),
- 5) 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),
- 6) future plans (if any) for the total acreage should be considered and
- 7) the Village may wish to review applicable plans/studies and 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”** @ https://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf

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

3. **“Zoning and the Comprehensive Plan”** @ https://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf

4. **“Zoning Board of Appeals”** @ https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf
Details regarding each of the variance “hardship rules/tests” can be found in this document.

The following 11 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

Arthur Allen, 148 Glasgow Street, V. Clyde

Amend Map/Local Historic Designation, Tax Map Ref. No. 74112-14-387441

Comments:

- 1) the proposed local landmark designations 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 @ https://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf) and
- 2) the Village attorney should review and approve the proposed designations.

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. **“Legal Aspects of Municipal Historic Preservation”** @ https://www.dos.ny.gov/lg/publications/Legal_Aspects_of_the_Municipal_Historic_Preservation.pdf

2. **“Creating the Community You Want: Municipal Options for Land Use Control”** @ https://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf

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

Thomas Zoubek, 58 Water Street, V. Clyde

Amend Map/Local Historic Designation, Tax Map Ref. No. 74112-18-318238

Comments:

- 1) the proposed local landmark designations 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 @ https://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf) and
- 2) the Village attorney should review and approve the proposed designations.

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. “**Legal Aspects of Municipal Historic Preservation**” @ https://www.dos.ny.gov/lg/publications/Legal_Aspects_of_the_Municipal_Historic_Preservation.pdf
2. “**Creating the Community You Want: Municipal Options for Land Use Control**” @ https://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf
3. “**Questions for the Analysis and Evaluation of Existing Zoning Regulations**” @ https://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf

Zoning Amendment, V. Clyde

Amend Text

Local Law to amend Chapter 190

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 @ https://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf) and
- 2) the Village 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 on their website as follows:

1. “**Creating the Community You Want: Municipal Options for Land Use Control**” @ https://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf
2. “**Questions for the Analysis and Evaluation of Existing Zoning Regulations**” @ https://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf
3. “**Zoning and the Comprehensive Plan**” @ https://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf

LNB New Monument Sign Proposal, 359 Route 31, T. Macedon

Area Variance, Tax Map Ref. No. 61111-00-275771

Reconfigure monument sign to include message board.

Comments:

- 1) the hardship criteria (rules/tests) that are required to grant the area variances must be substantiated at the local level,
- 2) the minimum variances necessary/adequate should be considered,
- 3) the proposed ground sign should not impede available sight distance(s),
- 4) the proposed sign should not impact the NYS Department of Transportation Rt. 31 right of way and
- 5) the Town may wish to review applicable plans/studies and 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. **“Municipal Control of Signs” @**
<https://www.dos.ny.gov/lg/publications/Municipal%20Control%20of%20Signs.pdf>
2. **“Zoning Board of Appeals” @**
https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf

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

Marshall Exteriors, LLC, 135 East Union Street, V. Newark

Area Variances, Tax Map Ref. No. 68111-18-380043

2 wall signs where one permitted, 243.1 sq. ft of signage where 100 sq. ft. permitted.

Comments:

- 1) the hardship criteria (rules/tests) that are required to grant the area variances must be substantiated at the local level,
- 2) the minimum variances necessary/adequate should be considered and
- 3) the Village may wish to review applicable plans/studies and 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:

3. **“Municipal Control of Signs” @**
<https://www.dos.ny.gov/lg/publications/Municipal%20Control%20of%20Signs.pdf>
4. **“Creating the Community You Want: Municipal Options for Land Use Control” @**
https://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf
3. **“Questions for the Analysis and Evaluation of Existing Zoning Regulations” @**
https://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf
4. **“Zoning Board of Appeals” @**
https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf

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

The Barretts, 634 South Main Street, V. Newark

Use Variance, Tax Map Ref. No. 68110-06-335797

Convert former business office into single family dwelling.

Comments:

- 1) the hardship criteria (rules/tests) 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) 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.,
- 4) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes),
- 5) 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),
- 6) future plans (if any) for the property should be considered and

- 7) the Village may wish to review applicable plans/studies and 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” @**
https://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf
2. **“Questions for the Analysis and Evaluation of Existing Zoning Regulations” @**
https://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf
3. **“Zoning and the Comprehensive Plan” @**
https://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf
4. **“Zoning Board of Appeals” @**
https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf

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

AMM Property Group, LLC, 721 Peirson Avenue, V. Newark
Use Variance, Tax Map Ref. No 68110-09-004655

Convert single family dwelling into 2 family dwelling.

Comments:

- 1) the hardship criteria (rules/tests) 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) 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.,
- 4) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes),
- 5) 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),
- 6) future plans (if any) for the total acreage should be considered and
- 7) the Village may wish to review applicable plans/studies and 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” @**
https://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf
2. **“Questions for the Analysis and Evaluation of Existing Zoning Regulations” @**
https://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf
3. **“Zoning and the Comprehensive Plan” @**
https://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf
4. **“Zoning Board of Appeals” @**
https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf

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

Local Law 3 of 2018, Signs, T. Ontario

Amend Text

Amend Code Section 150-48, Signs.

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 @ https://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 also available from the NYS Department of State on their website as follows:

1. “**Creating the Community You Want: Municipal Options for Land Use Control**” @ https://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf
2. “**Questions for the Analysis and Evaluation of Existing Zoning Regulations**” @ https://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf
3. “**Municipal Control of Signs**” @ <https://www.dos.ny.gov/lg/publications/Municipal%20Control%20of%20Signs.pdf>

Paul Raleigh, 6971 Lakeside Road, T. Ontario

Preliminary/Final Site Plan, Tax Map Ref. No. 61118-00-827499

Single family home.

Comments:

- 1) the proposed sanitary sewer system must meet applicable local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) 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),
- 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) 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.

The Green Angels, 2247 Route 21 N., T. Palmyra

Use Variance, Tax Map Ref. No. 65112-00-206609

Commercial storage facility in AR zone.

Comments:

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

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/tests” 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 Town. 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 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 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.

Gregory Gulino, 5651 S. Centenary Road, T. Sodus

Preliminary Subdivision Plan, Tax Map Ref. No. 68116-00-246847

Subdivide 1.5 acres with home from family farm.

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 (e.g. Department of Health, Uniform Fire Prevention and Building Code 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.

Katherine Fox, 6083 Route 88, T. Sodus

Special Permit, Tax Map Ref. No. 69119-00-103410

Operate "rescue" for small dogs with more than 3 dogs which requires kennel special permit.

Action – Approve with comments

Motion – Mr. Bartels

Second – Mr. Wedman

Opposed –

Abstention – Mr. Baker

Motion carried

Comments:

- 1) the proposed rescue for small dogs and associated on-site activity, should be operated/done in a manner that keeps it compatible with surrounding land uses and is also aesthetically pleasing through use of items such as shelter design/materials, property maintenance, fencing, berms, landscaping, animal waste disposal management, noise abatement measures etc.. This item is particularly important to address given the location of the parcel along the highly traveled NYS Rt. 88 and proximity to residential land uses. Placement of items such as kennel, manure storage (if ever applicable) and fenced area(s) should be done with consideration given to both the applicants' intended use as well as compatibility with surrounding land uses (e.g. there should be adequate space between proposed operation and neighboring land uses),
- 2) driveway sight distances should meet American Association of State Highway and Transportation Officials (AASHTO) recommendations,
- 3) all applicable local, state and federal rules/regulations must be followed (e.g. "Codes of the Town of Sodus"),
- 4) NYS Department of Agriculture and Markets (NYSDAM) and US Department of Agriculture kennel/rescue animal guidelines/regulations should be followed (a NYSDAM Rescue Registry Application is available @ https://www.agriculture.ny.gov/AI/small_animals/Rescue_Registry_Application.pdf and a list of registered rescues and shelters, as well as the applications to become a registered shelter/rescue or Pet Dealer are available at: https://agriculture.ny.gov/AI/small_animals.html),
- 5) "operational odors" and noises should be mitigated,
- 6) animal waste must be properly disposed of,
- 7) outdoor boarding should not be permitted (noise and odor mitigation measure),
- 8) provisions should be made to keep the dogs on the landowners' property at all times,
- 9) proper veterinary care and records should be provided and
- 10) the applicant(s) should be aware that portions of the parcel appear to 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.

Additional information is available regarding dog care from online sources such as the Humane Society of Wayne County, NY @ <https://www.hswaynepets.org/>, the Humane Society of the United States @ <http://www.humanesociety.org/animals/dogs/tips/?referrer=https://www.google.com/>, the American Society for the Prevention of Cruelty to Animals @ <https://www.asPCA.org/> and the NYS Department of Agriculture and Markets @ https://www.agriculture.ny.gov/AI/small_animals.html.

The Board would ultimately like to ensure that the dogs are provided with adequate living conditions, including the space to receive daily exercise. They would also like to ensure that the proposed use is compatible with surrounding land uses and the number of rescue dogs sheltered should not exceed the capacity of the facility or parcel area.

Basset Homes, Inc., 200 Hope Avenue, V. Newark

Use Variance, Tax Map Ref. No. 67110-08-878864

Erect (4) multi-family apartment bldgs, 21 units each and clubhouse. John Clark, DDS Companies.

Action – Approve with comments
Motion – Mr. Guthrie rescinds approval, **moves NCI**,
Second – Mr. Ruth
Opposed –
Abstention –
Motion carried

Comments:

- 1) the hardship criteria (rules/tests) that are required to grant the use variance must be substantiated at the local level,
- 2) the minimum variance necessary/adequate should be considered and
- 3) the Village may wish to review applicable plans/studies and 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”** @ https://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf
2. **“Questions for the Analysis and Evaluation of Existing Zoning Regulations”** @ https://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf
3. **“Zoning and the Comprehensive Plan”** @ https://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf
4. **“Zoning Board of Appeals”** @ https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf
Details regarding each of the variance “hardship rules/tests” can be found in this document.

Q’s Landscaping, 1442 Welcher Road, T. Arcadia
Special Permit, Tax Map Ref. No. 68111-00-363675

40'x56' mercantile addition, 40'x68' service area addition. Alex Quku presented.

Action – Approve with comments
Motion – Mr. Ruth
Second – Mr. Bartels
Opposed –
Abstention –
Motion carried

Comments:

- 1) the provided site plan should delineate features such as existing and proposed structure(s), finished floor elevations, FEMA flood zone elevations/boundary, septic system details, parking area(s) and driveway locations, storage/display areas as well as parcel boundaries,
- 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, etc., particularly given that the parcel is located adjacent to the highly traveled NYS Rt. 88,
- 3) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building areas, parking areas, 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, display/storage 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 Welcher Road,

- 4) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Department of Health, NYS Uniform Fire Prevention and Building Codes, NYS Department of Environmental Conservation - Phase II stormwater management and erosion and sediment control regulations, FEMA flood zone, etc.),
- 5) 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),
- 6) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 7) all toxic/hazardous materials that may be 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) the applicant(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.

Ontario Self Storage, 6453 Furnace Road, T. Ontario

Preliminary/Final Site Plan, Tax Map Ref. No. 63117-00-508916

Add outdoor storage to existing storage project.

Action – Disapproval with comments

Motion – Mr. Peters

Second – Mr. R. Burns

Opposed –

Abstention – Mr. Catalano, Mr. Ruth

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. They had specific questions regarding what items are proposed for outside storage and if fencing/screening (other than just the existing storage buildings) is proposed. The Board has reviewed a few other storage facility-related proposals from the Town recently and would like to ensure that they are reviewed as consistently as possible. Unfortunately, no one attended the meeting to represent the application and help discuss the proposal.

The Board offered the following comments for consideration (similar to those made recently regarding other storage proposals in the town) should proposed development proceed:

- 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 design/materials, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled Furnace Rd.,
- 2) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building areas, parking areas, 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 Furnace Rd.,
- 3) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes, NYS DEC - Phase II stormwater management and erosion and sediment control regulations, etc.),

- 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) outside storage should be “limited” (e.g. items in disrepair should not be permitted to accumulate),
- 6) all toxic/hazardous materials that may be associated with any on-site business (if applicable) should be properly stored, handled and disposed of,
- 7) future plans (if any) for the total acreage should be considered and
- 8) the applicant(s) should be aware that portions of the parcel may 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.

Local Law, Solar Energy Systems, T. Rose

Amend Text

Amend local law to regulate solar energy systems.

Action – Approve with Comments

Motion – Mr. Ruth

Second – Mr. Bartels

Opposed –

Abstention – Mr. Guthrie

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) 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

Additionally, the following documents may also contain useful information and are available from the NYS Department of State and NYS Energy Research and Development Authority (NYSERDA) 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
2. **“Questions for the Analysis and Evaluation of Existing Zoning Regulations”** @ http://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf
3. **NYSERDA’s “Guidebook for Local Governments”** is available @ <https://www.nyserda.ny.gov/All-Programs/Programs/NY-Sun/Communities-and-Local-Governments/Solar-Guidebook-for-Local-Governments>

Other Business:

The Board was given a heads up on some future training that is in the planning stages.

There being no further business, Mr. Ruth made a motion to adjourn, seconded by Mr. R. Burns. The meeting was adjourned at 8:05 PM.

Respectfully submitted,
Tracy Lambie, Secretary