

# WAYNE COUNTY PLANNING BOARD

## MINUTES

December 12, 2018

Chairman, Matt Krolak called the December 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, Jim Wedman

Staff: Bret DeRoo, Tracy Lambie

### **OCTOBER 2018 MINUTES**

**Action** – Approve

**Motion** – Mr. Hutteman

**Second** – Mr. Peters

**Abstention** –

**Motion carried**

### **ZONING AND SUBDIVISION REFERRALS**

**The following 6 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**

#### **Joseph and Brenda Guarno, 3096 Wiedrick Road, T. Macedon**

**Preliminary/Final Site Plan / Preliminary/Final Subdivision Plan, Tax Map Ref. No. 62113-00-771686**

2 lot subdivision- Lot R-18A - 0.918 acres, Lot R-18B - 1.517 acres, renovate existing garage into new single family home on R-18A, existing home on R-18B.

#### **Comments:**

- 1) the proposed lots should be configured/developed 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, Uniform Fire Prevention and Building Code) codes/regulations,
- 2) the proposed lots should be configured/developed 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) and
- 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..

#### **Proposed Local Law 5 of 2018, T. Ontario**

**Amend Text**

Amend Chapter 150 to allow Farm Labor Camp uses in all zoning districts with a special Permit.

**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 @ [https://www.dos.ny.gov/lg/publications/Zoning\\_and\\_the\\_Comprehensive\\_Plan.pdf](https://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf)),
- 2) the proposed zoning update should be undertaken in accordance with the NYS Department of Agriculture and Markets Law, as referenced in “**Guidelines for Review of Local Zoning and Planning Laws**” (available online @ <https://www.agriculture.ny.gov/AP/agsservices/guidancedocuments/305-aZoningGuidelines.pdf>) and
- 3) the Town attorney should review and approve the proposed amendments.

For additional 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**” @ [https://www.dos.ny.gov/lg/publications/Creating\\_the\\_Community\\_You\\_Want.pdf](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](https://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/agsservices/guidancedocuments/305-aFarmHousing.pdf>

4. “**Local Laws and Agricultural Districts: How Do They Relate?**” @ <https://www.agriculture.ny.gov/ap/agsservices/guidancedocuments/305-a2pagePamphlet.pdf>

**Lockwood Site Plan, 579 & 589 Whitney Road, T. Ontario**

Preliminary/Final Site Plan / Preliminary/Final Subdivision Plan Tax Map Ref. No 61116-00-568850, 61116-00-517871

Combine 2 lots into 1, single family residence.

**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) codes/regulations,
- 2) the proposed driveway should have sight distances available that meet 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.,
- 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 applicant(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area and NYS Department of Environmental Conservation wetland area (approximate mapping available for both online at <http://www.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

**James Patterson, 11697 Tompkins Point Road, T. Wolcott**

Special Permit, Tax Map Ref. No. 75120-18-447055

Remove existing cottage, detached garage and one shed. Build new 2 story house with attached deck and porches, build new 24'x32' detached garage, move existing 12'x19' shed.

**Comments:**

- 1) the proposed house, garage and deck should be designed/developed so they will not interfere with adjacent property owner(s) views of Port Bay,
- 2) the proposed wastewater treatment system must meet applicable local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 3) proposed development must meet NYS Uniform Fire Prevention and Building Codes,
- 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, fencing, berms, landscaping etc. and
- 5) 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 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.

**Gregory Holder, 8293 East Port Bay Road, T. Wolcott**

Special Permit, Tax Map Ref. No. 75120-19-533172

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Add 2nd floor and attached garage to existing cottage.

**Comments:**

- 1) the proposed additions (second floor and garage) should be sited/developed so they will not interfere with adjacent property owner(s) views of Port Bay,
- 2) the proposed wastewater treatment system must meet applicable local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 3) proposed development must meet NYS Uniform Fire Prevention and Building Codes,
- 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, fencing, berms, landscaping etc.,
- 5) development should not take place in the East Port Bay Road right of way 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 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.

**Lou Tartaglia, 8047 Martin Road, T. Wolcott**

Special Permit, Tax Map Ref. No. 75119-07-594865

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16'x24' deck on water side of existing cottage.

**Comments:**

- 1) the proposed deck should be sited so that it will not interfere with adjacent property owner(s) views of Port Bay,
- 2) the proposed wastewater treatment system must meet applicable local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 3) proposed development must meet NYS Uniform Fire Prevention and Building Codes,
- 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 deck design/materials, etc. and
- 5) 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 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.

**Brian and Katie Fox, 7073 Quarry Road, T. Sodus**

Special Permit, Tax Map Ref. No. 69116-00-630034

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Rescue operation, small dogs only, more than 3 dogs required kennel permit. Mr. Brian Fox presented.

**Action** – Approve with Comments

**Motion** –Mr. Ruth

**Second** – Mr. Bartels

**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 and proximity to a residential land use. 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](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](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,
- 10) future plans (if any) for the total acreage should be considered and
- 11) the applicants 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.

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](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.

Although not entirely applicable to this kennel proposal, a NYS Department of Agriculture and Markets, Division of Animal Husbandry, "**Dog Control Officer & Municipal Shelter Guide**" (Rev. Mar2014) is available.

**Other Business:**

Election of 2019 officers:

The following slate of Officers was presented:

Chairman – Rob Burns

Vice-Chair – Bert Peters

Secretary – Ron Baker

Motion made by Mr. Guthrie that the nominations be closed and that the administrative secretary cast one ballot for each nomination. Seconded by Mr. Hutteman. Motion Carried.

There being no further business, Mr. Krolak made a motion to adjourn, seconded by Mr. Burgess. The meeting was adjourned at 7:15 PM.

Respectfully submitted,  
Tracy Lambie, Secretary