

WAYNE COUNTY PLANNING BOARD

MINUTES

February 27, 2019

Chairman, Rob Burns called the February 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, Jim Burns, Rob Burns, Joe Catalano, Matt Krolak, Bert Peters, Larry Ruth, Ron Thorn, Jim Wedman

Staff: Bret DeRoo, Tracy Lambie

JANUARY 2019 MINUTES

Action – Approve

Motion – Mr. Wedman

Second – Mr. Krolak

Abstention –

Motion carried

Mr. Ruth arrived after minutes were approved.

ZONING AND SUBDIVISION REFERRALS

The following 3 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. Baker

Second – Mr. Peters

Opposed –

Abstention –

Motion carried

Monroe Roadways Equipment Yard, 1934 Route 31, Lot 2, T. Macedon

Area Variance, Tax Map Ref. No. 63111-00-275866

8' high chain link security fence.

Comments:

- 1) the hardship criteria (rules/tests) 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 fence should not impede available sight distance(s),
- 4) 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 fence materials, berms, landscaping, etc., particularly given that the parcel is located near the highly traveled NYS Rt. 31/ Erie Canalway National Heritage Corridor and
- 5) 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 FEMA flood zone area (approximate mapping available online at <https://msc.fema.gov/portal>) and any planning/development should be done in accordance with applicable regulations.

For reference, the following document may contain useful information and is available from the NYS Department of State on their website as follows: “**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.

Newcomb Oil, Taco Bell, Convenience Store, 337 Route 31, T. Macedon

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

Re-development of convenience store with new signage.

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 pylon sign should not impede available sight distance(s),
- 4) the proposed pylon sign should not impact the NYS Department of Transportation Rt. 31 or Wayneport Road rights of way,
- 5) proposed signage should be implemented in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as sign design/materials, particularly given that the parcel is located near the highly traveled NYS Rt. 31/ Erie Canalway National Heritage Corridor and Wayneport Road and
- 6) 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.

Benjamin Johns, 7437 E. Townline Road, T. Williamson

Area Variance, Tax Map Ref. No. 67119-00-072128

Addition to pre-existing, non-conforming accessory structure, structure is closer to road than primary structure.

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 should be considered and
- 3) the property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland area (approximate mapping available online at <http://www.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

For reference, the NYS Department of State has a useful reference document available, “**Zoning Board of Appeals**” on their website @ <https://www.dos.ny.gov/lg/publications/Zoning Board of Appeals.pdf> .

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

Disc Golf, 7161 E. Townline Road, T. Williamson

Special Permit, Tax Map Ref. No. 66118-00-973807

Disc Golf course. Brad Pfrommer presented.

Action – Approve with comments

Motion – Mr. Baker

Second – Mr. Ruth
Opposed –
Abstention – Peters
Motion carried

Comments:

The Board made their determination with the understanding that the application contains all of the materials that are required by Town of Williamson Code regarding a special use permit application. The Board did feel that additional information should be provided (site plan as well as business plan detail) that would help address items such as traffic-related concerns and “compatibility of various land uses with one another” and “protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas” considerations. The following are the comments:

- 1) development must meet all local, federal and NYS (e.g. Uniform Fire Prevention and Building Codes),
- 2) 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 (if applicable), fencing, berms, landscaping, etc.,
- 3) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed commercial development remain compatible with surrounding land uses (e.g. mitigate visual and noise impacts, particularly as they relate to adjacent residential uses),
- 4) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations) and on-site traffic circulation. Proposed on-site traffic circulation, building area and associated parking area(s) 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.,
- 5) emergency service vehicle access should be planned and provided for, including driveway design that meets NYS codes (if applicable), 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) 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
- 7) future plans (if any) for the total acreage should be considered.

AT&T, 200 East Miller Street, V. Newark
Special Permit, Tax Map Ref. No. 68111-18-436031

Rooftop wireless telecommunications facility. Paul Reed of Centerline communications presented.

Action – Motion made to approve with comments, **MOTION DID NOT PASS**

Motion – Mr. Catalano

Second – Mr. Thorn

Roll Call:

Ayes – J. Burns, R. Thorn, J. Catalano

Opposed – R. Peters, R. Baker, M. Krolak, L. Ruth, R. Burns, J. Wedman

Abstention –

Motion did not carried, no additional motions were made

Comments:

Board members who did not support the motion were seeking additional details that related to the following items:

1. information regarding how Federal Communications Commission (FCC) regulations, including those related, but not necessarily limited, to radio frequency (RF) emissions, are (or could be) monitored/enforced. They felt this is an important detail to consider when reviewing this proposal as well

as the cumulative impacts of all of the onsite telecommunication facilities, particularly given the proximity to building occupants and

2. clarification regarding AT&T's need to utilize this rooftop facility when considering other items such as their existing infrastructure (e.g. towers) and other potential sites (e.g. other elevated locations within the village).

Given that the Board had an opportunity to review the application and did not make a recommendation for approval, modification or disapproval of the proposed action, or report that the proposed action has no significant county-wide or inter-community impact, it is understood that the Village of Newark may proceed with its review without the need for an extraordinary vote.

The following is the list of nonbinding comments that the Board considered in their review (some of which were addressed in the application materials that were submitted, but are included in an effort to provide consistent comments when reviewing telecommunications facility-related applications):

- 1) the carrier should set aside a fund to be used in the event that the rooftop wireless telecommunications facility cannot be removed by the applicant. This will help protect Newark from corporate events such as bankruptcy and divestiture, as well as telecommunications facility obsolescence,
- 2) the structural analysis should determine that the building/rooftop can compensate the additional load,
- 3) SEQR should be closely adhered to, ensuring that proper environmental reviews are conducted,
- 4) the carrier should provide a master plan for the development of proposed tower sites throughout the village, prior to the approval of any additional applications and
- 5) all applicable local, state and federal regulations must always be complied with, including but not limited to Federal Communications Commission (FCC) exposure limits and guidelines for human exposure to radiofrequency electromagnetic fields. The Board recommends requiring routine (e.g. semi-annual) monitoring of the radiofrequency electromagnetic fields to be sure they are compliant with regulations.

Ontario View Industrial Park, 493 Timothy Lane, T. Ontario

Final Site Plan/ Final Subdivision Plan, Tax Map Ref. No. 61117-00-433803

Subdivide 3 acres, construct 20,000 sq. ft. flex building. Mike Ritchie, Costich Engineering presented.

Action – Approve with comments

Motion – Mr. Krolak

Second – Mr. Wedman

Opposed –

Abstention – Mr. Catalano

Motion carried

Comments:

- 1) proposed development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, property maintenance, etc., particularly given that the parcel is located on Timothy Lane and near the highly traveled NYS Rt. 104 corridor,
- 2) screening (e.g. fence, berm, landscaping, etc.) should be considered/used to help the proposed development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent land uses - if applicable),
- 3) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations) and on-site traffic circulation. Proposed on-site traffic circulation, building areas, associated parking areas and future development plans should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to Timothy Lane,
- 4) emergency service vehicle access should be provided for,

- 5) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses - if applicable),
- 6) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 7) any toxic/hazardous materials should be properly stored, handled and disposed of,
- 8) 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,
- 9) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Department of Environmental Conservation Phase II Stormwater Management and Erosion and Sediment Control regulations, NYS Uniform Fire Prevention and Building Codes, etc.) and
- 10) proposed development, as well as plans for the total acreage, should take applicable “well-considered” and/or master planning efforts/recommendations into account (e.g. “Commerce Center Master Plan”).

The Board still felt that specific (proposed) business details will be important to have while considering final site / subdivision plans and items listed in General Municipal Law Section 239-1.2. (compatibility of various land uses with one another, traffic generating characteristics, etc.).

Dean Parkway Trucking Company, 6317 Dean Parkway, T. Ontario

Special Permit / Preliminary Site Plan, Tax Map Ref. No. 61117-00-145704

3,200 sq. ft. mixed use building for truck repair and office. Reviewed preliminary only.

Action – Approve with Comments

Motion – Mr. Ruth

Second – Mr. Peters

Opposed –

Abstention – Catalano

Motion carried

Comments:

- 1) development, including water and wastewater treatment/sanitary service, must meet all local, federal and NYS codes/regulations (Department of Environmental Conservation, Department of Health, Department of Motor Vehicles, Uniform Fire Prevention and Building Codes, etc.). The Board understands that additional information must still be provided to confirm that proposed water and sanitary services can also be provided via the perpetual access right of way to and from Dean Parkway,
- 2) proposed development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, property maintenance, etc., particularly given that the parcel has access to Dean Parkway and is near the highly traveled NYS Rt. 104 corridor,
- 3) screening (e.g. fence, berm, landscaping, etc.) should be considered/used to help the proposed development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent land uses - if applicable),
- 4) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area(s), parking area(s), driveway sight distances (i.e. they should meet appropriate recommendations/regulations) and on-site traffic circulation. Proposed on-site traffic circulation, building area, associated parking area(s) and future development plans should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to the driveway easement/Dean Parkway,
- 5) emergency service vehicle access should be planned and provided for, including driveway design that meets NYS Uniform Fire Prevention and Building Codes (if applicable), 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) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses - if applicable),

- 7) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 8) any toxic/hazardous materials should be properly stored, handled and disposed of,
- 9) proposed development should take applicable “well-considered” and/or master planning efforts/recommendations into account (e.g. “Commerce Center Master Plan”) and
- 10) all necessary “cross-lot easements“ should be in place to ensure that existing and potential future developments / businesses can maintain their function and compatibility (e.g. access/driveway, parking, utility, etc.).

Other Business:

There being no further business, Mr. Ruth made a motion to adjourn, seconded by Mr. J. Burns. The meeting was adjourned at 8:06 PM.

Respectfully submitted,
Tracy Lambie, Secretary