

# WAYNE COUNTY PLANNING BOARD

## MINUTES

March 27, 2019

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

Staff: Bret DeRoo, Tracy Lambie, Brian Pincelli

### **FEBRUARY 2019 MINUTES**

**Action** – Approve

**Motion** – Mr. Ruth

**Second** – Mr. Peters

**Abstention** –

**Motion carried**

**Mr. Ruth arrived after minutes were approved.**

### **ZONING AND SUBDIVISION REFERRALS**

**The following 7 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. Peters

**Second** – Mr. Baker

**Opposed** –

**Abstention** –

**Motion carried**

#### **Cleveland Site Plan, 2332 Lake Road, T. Ontario**

**Preliminary/Final Site Plan/ Preliminary/Final Subdivision Plan, Tax Map Ref. No. 63119-16-751416**

Subdivide 2.193 acres for 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) 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 all local, federal and 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) 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.

#### **Arbor Road Pond Excavation, 5739 Arbor Road, T. Ontario**

**Excavation Permit, Tax Map Ref. No. 64116-00-087963**

Expand existing recreational pond.

**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.,
- 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) as the applicant(s) are aware, 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
- 4) proposed development must meet all local, federal (e.g. US Army Corps of Engineers) and NYS codes/regulations (Department of Environmental Conservation).

**Keymel Fruit Farm, 7449 Furnace Road, T. Ontario**

Special Permit/Preliminary/Final Site Plan, Tax Map Ref. No. 63119-00-698127

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Construct 960 sq. ft. bldg for migrant housing on farm, land to remain ag.

**Comments:**

- 1) all necessary local and NYS permits/regulations must be obtained/followed (e.g. NYS Department of Health and NYS Uniform Fire Prevention and Building Codes),
- 2) 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 fencing, berms, landscaping, property maintenance etc., particularly given that the parcel is located on/near the highly traveled Furnace and Lake Roads,
- 3) on-site traffic circulation and how it relates to items such as proposed parking area(s), building location(s), on-site farm operations, driveway location, future plans, etc. should be determined/delineated,
- 4) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations,
- 5) emergency service vehicle access should be provided for,
- 6) future plans (if any) for the total acreage and farm operation should be considered 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.

For reference, the following guideline document may contain useful information and is available from the NYS Department of Agriculture and Markets on their website as follows:

**“Guidelines for Review of Local Laws Affecting Farm Worker Housing”**

<https://www.agriculture.ny.gov/AP/agservices/guidancedocuments/305-aFarmHousing.pdf>

**Summer Lake Sub. Sec. 7, Summer Place/Autumn Breeze, T. Ontario**

Preliminary/Final Site Plan/Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61117-15-578380

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12 lot subdivision for single family homes.

**Comments:**

- 1) the proposed lots/development must meet applicable local, federal and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code, NYSDEC - stormwater management and erosion and sediment control plans) codes/regulations,
- 2) the proposed driveways should have sight distances available that meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) emergency service vehicle access should be planned/provided for that meets the needs of the existing, as well as proposed subdivision,

- 4) future plans (if any) for the total acreage should be considered/confirmed, including maintenance/ownership plans for the conservation areas,
- 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..

**Daniel Young, 1807 Route 104, T. Ontario**

Use Variance, Tax Map Ref. No. 63117-09-091712

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2,400 sq. ft. building for kennel.

**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 and
- 3) 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.

For reference, the NYS Department of State has a useful document available, “[Zoning Board of Appeals](https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf)” on their website @ [https://www.dos.ny.gov/lg/publications/Zoning\\_Board\\_of\\_Appeals.pdf](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.

**Donna Davenport, 3888 Lakes Corners Rose Valley Road, T. Rose**

Area Variance, Tax Map Ref. No. 73114-00-780629, 73114-00-755628

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Combine 2 parcels then split into two 3-acre parcels creating non-conforming parcels. Pre-existing, non-conforming kennel.

**Comments:**

- 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.

For reference, the NYS Department of State has a useful reference document available, “[Zoning Board of Appeals](https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf)”, on their website @ [https://www.dos.ny.gov/lg/publications/Zoning\\_Board\\_of\\_Appeals.pdf](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.

**Michael King, 5150 Brown Road, T. Rose**

Area Variance, Tax Map Ref. No. 74116-00-446242

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32’x44’ pole barn on pre-existing, non-conforming lot.

**Comments:**

- 1) the hardship criteria (rules/test) that are required to grant the area variances must be substantiated at the local level,
- 2) the minimum variances necessary should be considered,
- 3) if approved locally, 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 materials, berms, landscaping, etc..

For reference, the NYS Department of State has a useful reference document available, “[Zoning Board of Appeals](https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf)”, on their website @ [https://www.dos.ny.gov/lg/publications/Zoning\\_Board\\_of\\_Appeals.pdf](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.

**Delaware River Solar Project, Frey Road, T. Macedon**

Special Permit / Final Site Plan, Tax Map Ref. No. 61113-00-635068

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Community solar array on 38.10 acres. Dan Compitello of Delaware River Solar presented. Dave Plante of Bergmann Associates was also available for questions.

**Action** – Motion made to approve with comments, **motion did not carry**

**Motion** – Mr. Catalano

**Second** – Mr. Ruth

**Opposed** – Mr. Thorn, Mr. Baker

**Abstention** – Mr. Bartels, Mr. Peters

**Motion did not carry**

**No additional motion made**

**Comments:**

For reference, Board members who did not support the motion were seeking additional details to help them assess/consider the relationship between items such as agricultural and farmland protection efforts (with particular consideration given to farmland that is classified as “prime” and/or of “statewide importance”), NYS clean energy goals, comprehensive plans/local zoning regulations and details regarding the proposed photovoltaic (PV) system development. Since late 2016, the WCPB has now reviewed approximately ten (10) similarly sized PV systems (2-4 megawatt) from municipalities across the county. In their review, the Board has noticed that several, but not all, of the proposals were for systems that would be sited on active farmland. They understand some municipalities, such as Macedon, permit solar developments on farmland, but they are still interested in continuing to explore development options that would help minimize farmland impacts.

Given discussion with PV system developers, there are site-specific design requirements and therefore certain parcels/sites have attributes that are better suited for development than others. Attributes that have been referenced include proximity to three-phase electric power as well as utility company substations. Reportedly, an agency such as NYSERDA, and possibly the applicable utility company, may be able to offer guidance regarding where PV systems can “tie into the grid”. If so, it could be beneficial to contact a representative from NYSERDA and/or NYSEG / RG&E to help determine where PV systems are feasible in the town and ultimately determine how much acreage/farmland will potentially be used for PV development.

Provided 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 Town of Macedon 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 PV system-related applications):

- 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, NYS Office of Parks,

Recreation and Historic Preservation/SHPO, US Army Corps of Engineers and US Fish and Wildlife Service regulations) and

- 6) 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 (Source: NYS Department of State, Division of Local Government Services, “Solar Energy Regulation” presentation):

**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

**Thad Shepherd / Robert Straubing, 1 Country Club Drive, V. Newark**

Preliminary/Final Site Plan, Tax Map Ref. No. 68111-19-633130

11,050 sq. ft. addition to east side of existing building. Thad Shepherd presented.

**Action** – Approve with comments

**Motion** – Mr. Peters

**Second** – Mr. Krolak

**Opposed** –

**Abstention** –

**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 near the Erie Canalway National Heritage 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) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby 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 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 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 Country Club Drive,
- 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) 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 (approximate mapping available 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 Uniform Fire Prevention and Building Codes, NYS Department of Environmental Conservation Phase II Stormwater Management and Erosion and Sediment Control regulations - if applicable, etc.),
- 10) future plans (if any) for the total acreage should be considered and
- 11) 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, sanitary sewer etc.).

**Abundant Solar Power, Barnes Road, T. Macedon**

Special Permit / Final Site Plan, Tax Map Ref. No. 63113-00-441280

4 mw AC photovoltaic array. Rachel Clar from Abundant Solar presented.

**Action** – Motion made to approve with comments, **motion did not carry**

**Motion** – Mr. Catalano

**Second** – Mr. Ruth

**Opposed** – Mr. Thorn, Mr. Baker

**Abstention** – Mr. Bartels, Mr. Peters, Mr. Krolak

**Motion did not carry**

**No additional motion made**

**Comments:**

For reference, Board members who did not support the motion were seeking additional details to help them assess/consider the relationship between items such as agricultural and farmland protection efforts (with particular consideration given to farmland that is classified as “prime” and/or of “statewide importance”), NYS clean energy goals, comprehensive plans/local zoning regulations and details regarding the proposed photovoltaic (PV) system development. Since late 2016, the WCPB has now reviewed approximately ten (10) similarly sized PV systems (2-4 megawatt) from municipalities across the county. In their review, the Board has noticed that several, but not all, of the proposals were for systems that would be sited on active farmland. They understand some municipalities, such as Macedon, permit solar developments on farmland, but they are still interested in continuing to explore development options that would help minimize farmland impacts.

Given discussion with PV system developers, there are site-specific design requirements and therefore certain parcels/sites have attributes that are better suited for development than others. Attributes that have been referenced include proximity to three-phase electric power as well as utility company substations. Reportedly, an agency such as NYSERDA, and possibly the applicable utility company, may be able to offer guidance regarding where PV systems can “tie into the grid”. If so, it could be beneficial to contact a representative from NYSERDA and/or NYSEG / RG&E to help determine where PV systems are feasible in the town and ultimately determine how much acreage/farmland will potentially be used for PV development.

Provided 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 Town of Macedon 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 PV system-related applications):

- 7) 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.,
- 8) it should be confirmed that the solar panels will not produce a glare (possibly impacting neighboring property owners, motorists, etc.),
- 9) a photovoltaic system decommissioning plan should be intact,
- 10) the access driveway should have sight distances available that meet AASHTO (American Association of State Highway and Transportation Officials) recommendations,
- 11) 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, NYS Office of Parks, Recreation and Historic Preservation/SHPO, US Army Corps of Engineers and US Fish and Wildlife Service regulations) and
- 12) 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 (Source: NYS Department of State, Division of Local Government Services, “Solar Energy Regulation” presentation):

**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

**VerSchage Ventures, LLC, 6150 Furnace Road, T. Ontario**  
Area Variance, Tax Map Ref. No. 63117-14-377486  
55'x30' multifamily dwelling.

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**Action** – Approve with comments

**Motion** – Mr. Krolak

**Second** – Mr. Bartels

**Opposed** – Mr. Ruth

**Abstention** – Mr. Catalano

**Motion carried**

**Comments:**

- 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.

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](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.

**Wilbert’s U-Pull It, 4936 Route 104, T, Williamson**

Final Site Plan, Tax Map Ref. No. 66117-08-944856

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Relocate vehicle staging area to unused portion of land to separate from customer parking.

**Action** – Approve with comments

**Motion** – Mr. Baker

**Second** – Mr. Lockwood

**Roll Call:**

**Opposed** –

**Abstention** – Mr. Peters

**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 the highly traveled NYS Rt. 104 corridor,
- 2) screening/buffering (e.g. fence, berm, landscaping, etc.) should continue to be 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 - consider use of higher berms/fencing between the business and adjacent residential land uses, as an example and if necessary),
- 3) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses),
- 4) outside storage should be limited to fenced and/or building areas and therefore not visible from surrounding roadways,
- 5) proposed on-site traffic circulation, building areas and associated parking/storage areas should be designed/developed and maintained in a manner that will provide safe interaction between those items as well as access to NYS Rt. 104 (e.g. driveway sight distances should always meet American Association of State Highway and Transportation Officials - AASHTO recommendations),
- 6) dust generated from use of driveway/access roads should be mitigated if necessary,
- 7) emergency service vehicle access should be provided for,
- 8) hours of operations should be understood,
- 9) any toxic/hazardous materials should be properly stored, handled and disposed of,

- 10) future plans (if any) for the total acreage should be considered and
- 11) 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 and Multi Sector General Permit, NYS Uniform Fire Prevention and Building Codes, General Municipal Law Section 136. Regulation of Automobile junk yards, NYS Office of Parks, Recreation and Historic Preservation/SHPO recommendations).

**Comprehensive Plan, T. Marion**

Amend Text

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**Action** – Approve with comment

**Motion** – Mr. Ruth

**Second** – Mr. Wedman

**Opposed** –

**Abstention** – R. Burns

**Motion carried**

**Comments:**

The Town attorney should review and approve the document.

Given their experience, the Board did feel the list below could be considered as items of “inter-community and/or county-wide interest”. The Comprehensive Plan Committee/town may wish to assess the items, if they haven’t already, while work is still being done to update the comprehensive plan:

- NYS/NYSERDA initiatives/programs related to energy goals regarding items such as energy storage systems and wind power options
- Goals/policies regarding abandoned/derelict properties
- Goals/policies regarding provisions for emergency services such as ambulance and fire
- Goals/policies regarding telecommunication/broadband infrastructure (e.g. 5G )

For reference, the following items are informal Economic Development and Planning Department staff comments that were suggested for consideration by the Town:

- Marion 2020 forecasted population is projected to be 4,966, per May 2013 Genesee/Finger Lakes Regional Planning Council study:  
<http://www.gflrpc.org/uploads/3/1/9/1/31916115/regionalpopulationprojections.pdf>
- Western Wayne County Regional Wastewater Treatment Plant – plans appear to have progressed further, per the project description that is available on the NYS Department of Environmental Conservation website: [https://www.dec.ny.gov/enb/20190313\\_not8.html](https://www.dec.ny.gov/enb/20190313_not8.html)
- The tabulated Community Survey results could be available in table format and be helpful for future reference and planning efforts.
- The Town might want to consider including a reference to the Genesee Land Trust which is a strong partner in Wayne County with properties in Macedon, Walworth, Ontario, Palmyra, Williamson Arcadia and Sodus (pg 88 of the plan).
- The Wayne County Ag & Farmland Protection Plan was adopted 1997, updated 2011 (pg 27) The Town might want to reference it, or quote from it to strengthen the Town’s demonstrated support for farming.
- The Town might want to consider referencing the NYSDAM Farmland Protection Implementation Grant program as potential funding source for conservation easements, as it is the major source of public funding for purchasing agricultural conservation easements in New York State.

- Total acreage of farmland in the County protected with agricultural conservation easements:
- Macedon            2,800-acres
- Walworth          1,253-acres
- Ontario            428-acres
- Palmyra            650-acres
- Sodus              607-acres
- Williamson        72-acres
  
- Also, there is a NYSDAM municipal planning grant funding for municipalities to develop ag & farmland protection plans (pg 82). This could assist the Town in more clearly outlining municipal goals for encouraging farm businesses.
  
- Many towns in other areas of the State adopt a local right to farm law. The County has adopted one that the Town might want to reference.
  
- American Farmland Trust has resource information for farm friendly zoning:  
[https://www.farmlandinfo.org/sampledocuments?field\\_sample\\_doc\\_category\\_tid=4281&field\\_topic\\_tid=All&field\\_state\\_tid=331](https://www.farmlandinfo.org/sampledocuments?field_sample_doc_category_tid=4281&field_topic_tid=All&field_state_tid=331)

For additional 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](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. **“Zoning and the Comprehensive Plan”** @  
[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)

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

Final Site Plan, Tax Map Ref. No. 61117-00-145704

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

**Action** – Approve with comments

**Motion** – Mr. Ruth

**Second** – Mr. Peters

**Opposed** –

**Abstention** – Mr. 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 Code, etc.). The Board understands that additional information has been provided to confirm that proposed water and sanitary services can also be installed 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.).

The Wayne County Planning Board requested that a letter be drafted to the town (dated November 07, 2018) regarding comprehensive plans for this industrial park area. The Board has reviewed several applications recently for proposed development in the park, including this application. They would still like to ensure they understand overall/comprehensive plans for the park, particularly given the scope of recent park developments and past proposals such as the David Parkway extension. The Board feels that it is important to confirm that items such as, but not necessarily limited to, infrastructure/roadways and emergency services, are planned/designed to meet the demands of existing as well as proposed uses. The Board specifically questions if traffic study information will be available for the park.

**Hebert Subdivision, David Parkway (239 Route 104), T. Ontario**

Preliminary/Final Site Plan/Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61117-00-111741

2 lot subdivision, 4,320 sq. ft. bldg for Hebert Hitting School.

**Action** – Approve with comments

**Motion** – Mr. Lockwood

**Second** – Mr. Bartels

**Opposed** –

**Abstention** – Mr. Catalano

**Motion carried**

**Comments:**

- 1) development, including water and wastewater treatment/sanitary service, must meet all local, federal and NYS codes/regulations (e.g. Department of Environmental Conservation, Department of Health, Uniform Fire Prevention and Building Codes, etc.),
- 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 David 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 David 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) proposed development should take applicable “well-considered” and/or master planning efforts/recommendations into account (e.g. “Commerce Center Master Plan”),
- 9) the property owner(s) should be aware that portions of the parcel may contain (or be near) both 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 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. sanitary sewer, electric/gas utility, etc..).

The Wayne County Planning Board requested that a letter be drafted to the town (dated November 07, 2018) regarding comprehensive plans for this industrial park area. The Board has reviewed several applications recently for proposed development in the park, including this application. They would still like to ensure they understand overall/comprehensive plans for the park, particularly given the scope of recent park developments and past proposals such as the David Parkway extension. The Board feels that it is important to confirm that items such as, but not necessarily limited to, infrastructure/roadways and emergency services, are planned/designed to meet the demands of existing as well as proposed uses. The Board specifically questions if traffic study information will be available for the park.

**Family Health NP Immediate Care, PLLC, 6280 Furnace Road, T. Ontario**  
Special Permit, Tax Map Ref. No. 63117-10-396644

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Urgent Care facility.

**Action** – Approve with comments

**Motion** – Mr. Thorn

**Second** – Mr. Baker

**Opposed** –

**Abstention** – Mr. Catalano, Mr. Krolak

**Motion carried**

**Comments:**

- 1) use of the building should proceed in a manner that keeps it compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building and property maintenance, screening, landscaping, etc.), particularly given that the parcel is located on the corner of the highly traveled NYS Rt. 104 and Furnace Road,
- 2) emergency service vehicle access should be provided for,
- 3) proposed on-site traffic circulation, parking area(s) and total number of available parking spaces should be confirmed and be compatible with existing on-site uses and take handicapped and emergency vehicle parking into consideration,
- 4) the building must meet NYS Uniform Fire Prevention and Building Codes,
- 5) security measures should be intact (e.g. the site should be lighted),

- 6) hazardous materials should be properly stored, handled and disposed of,
- 7) all necessary local and NYS regulations and approvals/permits must be followed/obtained and
- 8) 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.

**Other Business:**

There being no further business, Mr. Ruth made a motion to adjourn, seconded by Mr. Krolak. The meeting was adjourned at 8:50PM.

Respectfully submitted,  
Tracy Lambie, Secretary