

WAYNE COUNTY PLANNING BOARD

MINUTES

April 24, 2019

Chairman, Rob Burns called the April 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: Mert Bartels, Rob Burns, Joe Catalano, Steve Guthrie, Bert Peters, Larry Ruth, Ron Thorn, Jim Wedman

Staff: Bret DeRoo, Tracy Lambie

MARCH 2019 MINUTES

Action – Approve

Motion – Mr. Ruth

Second – Mr. Bartels

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. Peters

Second – Mr. Guthrie

Opposed –

Abstention –

Motion carried

Mike Monile, 7027 Lake Bluff Road, T. Huron

Special Permit, Tax Map Ref. No. 72118-11-586589

Short term rental, 2 weeks or less.

Comments:

- 1) 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 property maintenance, fencing, berms, landscaping, etc., particularly given that the parcel is located near Great Sodus Bay,
- 2) on-site traffic circulation, parking area(s) and total number of available parking spaces should be determined/delineated,
- 3) emergency service vehicle access should be planned and provided for,
- 4) the rented structure(s) must meet applicable NYS Uniform Fire Prevention and Building Codes given the proposed use,
- 5) the onsite wastewater treatment system must meet applicable local and NYS codes,
- 6) rental agreement details and/or property modifications should be considered to help promote compatibility and avoid conflicts with surrounding neighbors/land uses (e.g. clearly delineate property boundaries and ensure that renters understand where they are, enforce no trespassing rules, etc.) and
- 7) 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/>), 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.

Anthony Carbone, T&C Gunsmithing, 105 East Miller Street, V. Newark
Area Variance/Use Variance, Tax Map Ref. No. 68111-18-359012

Convert 2nd story into apartment, convert portion of bldg not used into dwelling, conversion or portion of bldg into residential results in 43.4% bldgs on East Miller being 2 family or multi-family, exceeding 10% permitted, Also convert portion of non-residential bldg into dwelling unit.

Comments:

- 1) the hardship criteria (rules/tests) that are required to grant the area and use variances must be substantiated at the local level,
- 2) the minimum variances necessary/adequate should be considered,
- 3) use of the property 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 building and property maintenance 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) parking should be available that meets Village Code requirements for the proposed conversion to a 2nd story residential use (apartment),
- 6) 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),
- 7) future plans (if any) for the property should be considered and
- 8) 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.

Proposed Local Law 1 of 2019, T. Ontario

Amend Text

Chapter 150, delete references to “Accessory Dwellings” which are not allowed in the town.

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 (this comment is included to be consistent with proposed zoning code updates.

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

Kawych Lassie Subdivision, Sec. 2, 7361 Ontario Center Road, T. Ontario

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 62119-00-863028

Subdivide 1.364 acres with existing house.

Comments:

- 1) the proposed lots should be configured with enough area for each lot to contain an existing and/or construct a new wastewater treatment system (or connection to municipal sewer) that will meet local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 2) the proposed lots should be configured with enough area for each lot to have a driveway that meets AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) future plans (if any) for the total acreage should be considered,
- 4) development should be done in a manner that keeps it compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, property maintenance, fencing, berms, landscaping, etc. (if applicable),
- 5) development must meet NYS Uniform Fire Prevention and Building Codes, including driveway design that includes provision for emergency service vehicle access (if applicable) and
- 6) the 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.

Carleton Croft, 2809 Route 21 N., T. Palmyra

Area Variance, Tax Map Ref. No. 65113-00-444286

Attached garage, 40' front setback where 50' required.

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 should be considered (e.g. could the proposed structure be rotated 90 degrees to help reduce the requested side yard setback relief by approximately 11 feet?),
- 3) the proposed structure must meet applicable NYS Uniform Fire Prevention and Building Codes,
- 4) the proposed development should be designed with enough area to contain an existing and/or construct a new septic system that will meet NYS Department of Health regulations,
- 5) proposed development should also 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 NYS Rt. 21 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.

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.

Charles Hunter, Jr., 6713 Pratt Road, T. Sodus

Preliminary Subdivision Plan, Tax Map Ref. No. 68118-00-383197

2 lot subdivision, one with 75' frontage, one with 107' frontage where 150' required.

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 (and/or be approved) for items such as lot size, potential 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/>) and any planning/development should be done in accordance with applicable regulations.

Zoning Amendment, V. Clyde

Amend Text

Update Home Occupation regulations.

Action – Approve with Comments

Motion – Mr. Guthrie

Second – Mr. Peters

Opposed –

Abstention –

Motion carried

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

Kenneth Capo, 2446 Ridge Road, T. Ontario

Use Variance, Tax Map Ref. No. 63117-00-881363

Retail Store. The applicants were available for questions.

This referral was reviewed and determined to be of no intermunicipal or countywide impact:

Action – Return this referral to the Town to be handled as a local matter

Motion – Mr. Ruth

Second – Mr. Thorn

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 and
- 2) the minimum variance 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 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.

Additional comments are recommended for consideration should the use variance application be approved by the town and the proposed retail store operation 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/property maintenance, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled Ridge Road,
- 2) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed development remain compatible with surrounding land uses,
- 3) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations) and on-site traffic circulation. Proposed on-site traffic circulation, building areas and associated parking areas should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to Ridge Road. 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/regulations and approvals/permits must be obtained/complied with (e.g. NYS Uniform Fire Prevention and Building Codes) and
- 6) future plans (if any) for the total acreage should be considered.

VerSchage Ventures, LLC, 6150 Furnace Road, T. Ontario

Area Variance, Tax Map Ref. No. 63117-14-377486

55’x30’ multifamily dwelling.

This referral was reviewed and determined to be of no intermunicipal or countywide impact:

Action – Return this referral to the Town to be handled as a local matter

Motion – Mr. Peters

Second – Mr. Bartels

Opposed –

Abstention –

Motion carried

Comments:

- 1) the hardship criteria (rules/tests) 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 .

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

Local Law 2 of 2019, T. Palmyra

Amend Text

Moratorium on solar energy conservation technology for principle use.

Mr. Guthrie initially opposed the motion. After additional discussion, Mr. Guthrie changed his vote to approve the motion.

Action – Approve with comments

Motion – Mr. Peters

Second – Mr. Wedman

Opposed –

Abstention –

Motion carried

Comments:

The Town attorney should review and approve the proposed moratorium.

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

Other Business:

Mr. Wedman made a motion that a letter be drafted to the Board of Supervisors suggesting that the Towns update their Comprehensive plans or their master plans as the County Planning Board finds them helpful in many of the applications they are charged to review. Mr. Ruth seconded. Bret DeRoo will draft the letter.

There being no further business, Mr. Guthrie made a motion to adjourn, seconded by Mr. Burns. The meeting was adjourned at 8:10 PM.

Respectfully submitted,
Tracy Lambie, Secretary