

WAYNE COUNTY PLANNING BOARD

MINUTES

December 11, 2019

Chairman, Rob Burns 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, 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, Brian Pincelli

OCTOBER 2019 MINUTES

Action – Approve

Motion – Mr. Ruth

Second – Mr. Bartels

Abstention –

Motion carried

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. Wedman

Second – Mr. Baker

Opposed –

Abstention –

Motion carried

Deborah Putman, 3745 Wayne Center Road, T. Rose

Area Variance, Tax Map Ref. No. 71114-00-923524

Build 27'4"x48' residence (and possibly a garage) with 370 feet of frontage where 400 required.

Comments:

- 1) the hardship criteria (rules/test) that are required to grant the area 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.

The Board felt the following are additional comments to consider should the area variance be approved at the municipal level:

- 1) 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, NYS Department of Health - wastewater treatment and water supply systems),
- 2) the driveway(s) should have sight distances available that meet AASHTO (American Association of State Highway and Transportation Officials) recommendations and should include provision for emergency service vehicle access, if applicable, per local and/or NYS Uniform Fire Prevention and Building Code requirements,
- 3) local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire),
- 4) property use/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 proposed building design/materials, property maintenance, 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 and NYS Department of Environmental Conservation wetland areas (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.

Karensinski Cottage, 7317/7312 Route 14, V. Sodus Point

Preliminary Site Plan Tax Map Ref. No. 71118-05-070951, 71118-05-100941

Remove existing cottage, build 48'x53' two story cottage on future merged parcel.

Comments:

- 1) the proposed development should be sited/developed so that it will not interfere with adjacent property owner(s) views of Great Sodus Bay to the extent practicable,
- 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 all applicable local, state and federal rules/regulations (e.g. "Village of Sodus Point Zoning regulations, NYS Uniform Fire Prevention and Building Codes, etc.),
- 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., particularly given that the parcel is located on the Great Lakes Seaway Trail (<http://www.seawaytrail.com/>),
- 5) development should not take place in the NYS Rt. 14 right of way,
- 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,
- 7) Question "12.b." on Part 1 of the Short Environmental Assessment Form indicates that the project site is located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. The Board felt that it will be important for this question to be addressed, possibly requiring contact with SHPO and
- 8) as you are aware, the Village is currently working on an Active Transportation Plan (ATP). Given this, the Board recommends that the Village Planning Board should take the plan/associated recommendations into consideration when reviewing the application.

Guidici Subdivision, Seeley Road, T. Williamson

Final Subdivision Plan, Tax Map Ref. No. 64118-00-590557

Subdivide Lot 3 into Lot 3R - 7.039 acres & Lot 4 - 23.731 acres. Mr. David Guidici was available for questions.

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 regulations/codes (e.g. Department of Health, Uniform Fire Prevention and Building Codes),
- 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, potential building setbacks etc.,
- 4) all necessary "cross-lot easements" should be in place, if applicable, to ensure that existing and potential future developments can maintain their function and compatibility (e.g. access/driveway, parking, utility, etc. easements),
- 5) future plans (if any) for the total acreage should be considered,
- 6) development must meet applicable local, federal and New York State (e.g. Department of Health, Uniform Fire Prevention and Building Codes, NYSDEC - Phase II stormwater management and erosion and sediment control plans codes/regulations), including driveway design that includes provision for emergency service vehicle access (if applicable),
- 7) emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire),

- 8) 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
- 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/>) and any planning/development should be done in accordance with applicable regulations.

Syracuse Sand & Gravel, Quarry Road/4769 S. Geneva Road, T. Sodus

Special Permit, Tax Map Ref. No. 70115-00-533821

Permit for continued operation of quarry. Mr. Mike Virts presented.

Action – Approve with comments

Motion – Mr. Catalano

Second – Mr. Ruth

Opposed –

Abstention – Mr. Baker

Motion carried

Comments:

- 1) all necessary local and NYS Department of Environmental Conservation permits/approvals must be obtained,
- 2) absolutely everything possible should be done to keep petroleum and/or hazardous products from reaching any freshwater resource (e.g. store equipment in a sheltered environment and on an impervious surface),
- 3) operational noise and dust should be mitigated at all times (e.g. through use of berms that are high enough to block noise from residential neighbors),
- 4) truck traffic should be routed to have the least impact on residential areas 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 any planning/development should be done in accordance with applicable regulations (this comment is being included for review consistency purposes - it is understood that wetland area has been identified/flagged for this project).

Per a December 11, 2019 letter that was addressed to the Wayne County Planning Board and signed by Richard Riccelli, Sr., it is understood that the request for a temporary extension of permitted hours has been withdrawn.

Lakeside Leasing, LLC, 7203 Route 14, V. Sodus Point

Preliminary Site Plan, Tax Map Ref. No. 71118-05-014794

Build 3rd storage building, 120'x40'. Mr. Dennis O'Neil was available for questions.

Action – Approve with comments

Motion – Mr. Guthrie

Second – Mr. Ruth

Opposed –

Abstention – Mr. Baker

Motion carried

Comments:

- 1) on-site buildings and the overall site should be developed in a manner that helps them remain compatible with surrounding land uses (particularly adjacent residential uses) and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, maintenance, etc.. This is of particular importance given the site's location on the Great Lakes Seaway Trail (<http://www.seawaytrail.com/>), a "gateway" into the Village. As examples, adjacent residential uses could be buffered from the storage and auto sales operations by using a berm and/or fencing and the storage units and overall site could be aesthetically enhanced along NYS. Rt. 14 by continued and possibly additional use of landscaping features,

- 2) it is understood that outside display/storage will now be limited to only a few autos associated with that business (i.e. no outside storage is now proposed for the storage operation),
- 3) dust control measures should be considered, and implemented if necessary, for the proposed stone/gravel access driveway,
- 4) all proposed development must meet NYS Uniform Fire Prevention and Building Codes,
- 5) any/all necessary local and state (e.g. NYS Department of Environmental Conservation-Phase II Stormwater and Erosion and Sediment Control Regulations) approvals/permits/recommendations must be followed/obtained,
- 6) any/all hazardous/toxic materials that may be associated with the proposed use must be properly stored, handled and disposed of,
- 7) local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. police and fire),
- 8) future plans (if any) for the total acreage should be considered,
- 9) Question “12.b.” on Part 1 of the Short Environmental Assessment Form indicates that the project site is located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. The Board felt that it will be important for this question to be addressed, possibly requiring contact with SHPO and
- 10) as you are aware, the Village is currently working on an Active Transportation Plan (ATP). Given this, the Board recommends that the Village Planning Board should take the plan/associated recommendations into consideration when reviewing the application.

Kerry Rehman, 8671 Ridge Road, T. Sodus

Special Permit, Tax Map Ref. No. 71117-00-667042

Special Permit to house and breed 4 or more dogs, Town Code limit is 3. Ms. Kerry Rehman and Mr. Ray Winter presented.

Action – Approve with comments

Motion – Mr. Peters

Second – Mr. Bartels

Opposed –

Abstention – Mr. Baker

Motion carried

Comments:

- 1) the proposed kennel for 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 kennel 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 applicant’s 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 (Pet Dealer Licensing Program information and other related resources can be found by accessing the following web address: <https://agriculture.ny.gov/animals/pet-dealers>) and US Department of Agriculture kennel guidelines/regulations should be followed (USDA “Dog Breeder Resource Guide - USDA Animal Care”, March 2019, is available by accessing the following web address https://www.aphis.usda.gov/animal_welfare/downloads/breeders/dogs/Dog-Breeder-Resource-Guide.pdf),
- 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) future plans (if any) for the total acreage should be considered.

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 dogs kenneled 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.

Robert Nolan, 385/387 Prospect Drive, V. Palmyra
Special Permit, Tax Map Ref. No. 64111-12-834658

Single family, one story structure. Mr. Robert Nolan was available for questions.

Action – Approve with comments

Motion – Mr. Peters

Second – Mr. Baker

Opposed –

Abstention – Mr. Krolak

Motion carried

Comments:

- 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, building/property maintenance, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled Prospect Drive,
- 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 Prospect Drive. 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, NYS Department of Health, etc.),.
- 6) all necessary “cross-lot easements“ should be in place (if applicable) to ensure that existing and potential future development can maintain their function and compatibility (e.g. access/driveway, parking, utility, etc. easements),
- 7) snow maintenance/removal plans should be considered and
- 8) the Village should consider options for having the entire sidewalk be within their right of way or easement area (shown as “CONC. WALK” on the October 02, 2019 “Proposed Plan of Land”).

VIP Fit, 240 Route 31, T. Macedon

Area Variance, Tax Map Ref. No. 61111-00-127736

Proposed 30'x40' addition to existing non-conforming building.

Action – Approve with comments

Motion – Mr. Guthrie

Second – Mr. Ruth

Opposed –

Abstention – Mr. Bartels

Motion carried

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) no structure/addition should be constructed closer to NYS Rt. 31 than already exists.

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/test” can be found in this document.

Should the area variance be approved at the local level, the following comments are being provided for consideration regarding a (potential) future site plan review:

- 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, building/property maintenance, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled NYS Rt. 31,
- 2) screening (e.g. fence, berm, landscaping, etc.) should be considered/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 NYS Rt. 31. 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 “cross-lot easements“ should be in place to ensure that applicable existing and potential future developments / businesses can maintain their function and compatibility (e.g. access/driveway, parking, utility, etc. easements),
- 6) 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, NYS Department of Health Codes - including water and wastewater treatment/sanitary service requirements, etc.),
- 7) snow maintenance/removal plans should be considered and
- 8) future plans (if any) for the parcel should be considered.

Local Laws 3-10, Ordinance 1 of 2019, T. Palmyra

Action – Approve with Comments

Motion – Mr. Guthrie

Second – Mr. Thorn

Opposed –

Abstention – Mr. Krolak

Motion carried

Local Law 3 of 2019, T. Palmyra

Amend Text

Sewer Use Regulations.

Local Law 4 of 2019, T. Palmyra

Amend Text

Sewer Use Rents.

Local Law 5 of 2019, T. Palmyra

Amend Text

Amend Article V entitled "District Regulations".

Local Law 6 of 2019, T. Palmyra

Amend Text

Amend Article II Section 210 relating to setbacks/Flag lot definition.

Local Law 7 of 2019, T. Palmyra

Amend Text

Amend Article VI, Section 628 entitled "Storage of Tractors and Road Machinery".

Local Law 8 of 2019, T. Palmyra

Amend Text

Amend Article VI, Section 640 entitled "Non-conforming uses, lots and Structures".

Local Law 9 of 2019, T. Palmyra

Amend Text

Amend Article VI, Section 682 entitled "utility sheds".

Local Law 10 of 2019, T. Palmyra

Amend Text

Amend Zoning Regulations by adding new section entitled "Property Maintenance".

Ordinance 1 of 2019, T. Palmyra

Amend Text

Repeal Section 605 "Yard Maintenance" ordinance.

Comments for above Local Laws and Ordinance:

Regarding Local Law 3 and Local Law 4 of 2019:

The Town attorney should review and approve the proposed Local Laws. This comment is included for consistency purposes regarding review of proposed local laws and zoning code updates, but it is understood that the town attorney has already reviewed these proposed laws.

Regarding Local Laws 5 through 10 of 2019, Ordinance 1 of 2019:

- 1) the proposed local laws/zoning regulation 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 again included for consistency purposes regarding review of proposed local laws and zoning code updates, but it is understood that the town attorney has already reviewed this proposed law.

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

Additional reference documents are also available via the following links regarding animal husbandry-related items, particularly as they may relate to proposed Local Law 5 of 2019:

https://extension.unh.edu/resources/files/Resource000471_Rep493.pdf

<https://www.planning.org/pas/reports/report85.htm>

Other Business:

Election of 2020 officers:

The following slate of Officers was presented:

Chairman – Ron Baker

Vice-Chair – Joe Catalano

Secretary – Mert Bartels

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

There being no further business, the meeting was adjourned at 7:55 PM.

Respectfully submitted,
Tracy Lambie, Secretary