

WAYNE COUNTY PLANNING BOARD

MINUTES

January 29, 2020

Rob Burns called the January 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, Steve Guthrie, Matt Krolak, Larry Lockwood, Bert Peters, Ron Thorn, Jim Wedman

Staff: Bret DeRoo, Tracy Lambie

DECEMBER 2019 MINUTES

Action – Approve

Motion – Mr. Guthrie

Second – Mr. Bartels

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

The following 5 referrals were reviewed and determined to be of no intermunicipal or countywide impact:

Action – Return these referrals to the Towns/Villages to be handled as local matters

Motion – Mr. Guthrie

Second – Mr. Peters

Opposed –

Abstention –

Motion carried

Gravel Ridge Mennonite Church Cemetery, 1104-1106 Old PreEmption Rd/Bauer Road, T. Lyons

Special Permit, Tax Map Ref. No. 70111-00-525203

75'x75' church cemetery.

Comments:

The town should verify future maintenance responsibilities.

1. any/all applicable local, federal and state (e.g. NYS Department of Health, NYS Department of State) cemetery rules/regulations must be followed and
2. the proposed site should have enough area to provide off-street parking for all anticipated services.

For reference, the NYS Department of State has cemetery-related information available via the links listed below:

1. **CEMETERY REGULATION IN NEW YORK STATE** @ <https://www.dos.ny.gov/cnsl/cemreg.html>
2. **Cemetery Frequently Asked Questions** @ <https://www.dos.ny.gov/cnty/cemfaqs.html>
3. **RESPONSIBILITIES OF OFFICERS, DIRECTORS AND TRUSTEES OF CEMETERY CORPORATIONS** @ <https://www.dos.ny.gov/cnsl/director.html>

Gerber Homes and Additions, 230 Ridge Road, T. Ontario

Area Variance, Tax Map Ref. No. 61117-00-114431

30'x35' pole barn closer to front property line than main building.

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/adequate should be considered,

- 3) 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.,
- 4) screening (e.g. fence, berm, landscaping, etc.) should be considered to help the proposed development remain compatible with surrounding land uses (if applicable, particularly given the parcel layout of “flag lot” developments),
- 5) the Town may wish to review applicable regulations to determine if they still meet intended objectives should there be repeated requests for similar variances 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](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.

Steincamp Subdivision, 8039 Lake Road, V. Sodus Point

Final Subdivision Plan, Tax Map Ref. No. 70119-20-861190

Subdivide 1 acre from camp property as buffer.

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) 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),
- 7) 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/>) 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,
- 8) 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
- 9) 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.

Kummerow Subdivision, Lot 7, 304 Whitney Road, T. Walworth

Preliminary/Final Subdivision Plan / Preliminary/Final Site Plan, Tax Map Ref. No. 61116-00-080761

Subdivide 1 acres for new single family home.

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) the proposed lots/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,
- 5) 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),
- 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. and
- 7) screening (e.g. fence, berm, landscaping, etc.) should be considered to help the proposed development remain compatible with surrounding land uses.

Sandra Lee Allen Subdivision, 5585 Lincoln Road, T. Walworth
Preliminary/Final Subdivision Plan, Tax Map Ref. No. 61116-00-502695

4 lot subdivision.

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) the proposed lots should meet zoning regulations for lot size, potential building setbacks etc.,
- 5) 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),
- 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),
- 7) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed development remain compatible with surrounding land uses (if applicable),
- 8) 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.

Cuyler Woods, 4045 Cuyler Drive, T. Williamson
Final Subdivision Plan / Final Site Plan, Tax Map Ref. No. 65119-20-901170

7 lot subdivision; 6 residential lots, 1 existing home, site plan on lot 4. Don Lewis presented.

Action – Approve with comments

Motion – Mr. Guthrie

Second – Mr. Wedman

Opposed –

Abstention –

Motion carried

Comments:

- 1) 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.,

- 2) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed development remain compatible with surrounding land uses,
- 3) the proposed sanitary sewer systems must meet applicable local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 4) the proposed lots/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,
- 5) the proposed driveways should have sight distances available that meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance and driveway design should include provision for emergency service vehicle access,
- 6) emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire),
- 7) the proposed lots should meet zoning regulations for lot size, potential building setbacks etc.,
- 8) 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),
- 9) the applicant(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 and
- 10) future plans (if any) regarding the total acreage should be considered.

Dollar General, Route 414, T. Rose

Special Permit, Tax Map Ref. No. 73115-00-782824

9,100 sq. ft. store with associated parking and site amenities. Town of Rose CEO, Christine Abrams attended and neighbor Phil Torrey commented on the proposal.

Mr. Peters made a motion of No County Impact, there was no second. After additional discussion, Mr Krolak made a motion to Disapprove, seconded by Mr. Bartels, Mr. Guthrie abstained. Not enough votes to carry the motion.

Action –NCI

Motion – Mr. Peters

Second – No second

Action – Disapprove

Motion – Mr. Krolak

Second – Mr. Bartels

Opposed –

Abstention – Mr. Guthrie

Motion does not carry due to not enough votes

Comments:

The motion did not carry and no additional motion was made. 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 Town of Rose may proceed with its review without the need for an extraordinary vote.

Ultimately, the Board felt they lacked information that is needed to help them assess items they are charged to consider by General Municipal Law, Section 239 - 1.2. Unfortunately, no one attended the meeting to represent the application and help discuss the proposal.

The Board did feel that attention should be given to items that are being proposed to help this development be compatible with surrounding land uses and also protect community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas (comments #3 and #4 found below relate to these items). This seems of particular importance given the blend of land uses that are nearby (e.g. residential, agricultural, etc.). They also discussed the potential this proposal could have on how other future development would look in General Business zones within the town. Dollar General may have several building/site design and development options available, ultimately with one that meets the character the town desires.

For reference, the following is a list of nonbinding comments that the Board considered in their review:

- 1) any/all applicable NYS Department of Transportation approvals/recommendations must be obtained/followed (e.g. no development should take place in the highway right-of-way, there should be no need for parking on the shoulder of NYS Rt. 414, highway design/maintenance provisions should be met, etc.),
- 2) 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, driveway location(s), building area 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. 414 and no on-site development should impede available sight distances,
- 3) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed commercial development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent residential uses),
- 4) development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing (from all applicable directions) through use of items such as property maintenance and building design/materials, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled NYS Rt. 414. And near existing residential uses,
- 5) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 6) any/all toxic/hazardous materials should be properly stored, handled and disposed of,
- 7) 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),
- 8) snow maintenance/removal plans should be considered,
- 9) future plans (if any) for the total acreage should be considered,
- 10) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Department of Health – water and sanitary sewer, NYS Department of Environmental Conservation-Phase II Stormwater Management and Erosion and Sediment Control Plans as well as NYS Uniform Fire Prevention and Building Codes, including Liquefied Propane Sales Regulations, etc.) and
- 11) 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.

Hidden Pines, 426 Ridge Road, T. Ontario

Preliminary/Final Subdivision Plan / Preliminary/Final Site Plan, Tax Map Ref. No. 61117-00-375344

7 lot subdivision.

Action –Disapprove

Motion – Mr. Guthrie

Second – Mr. Peters

Opposed –

Abstention –

Motion carried

Comments:

The Board felt they lacked information that is needed to help them assess items they are charged to consider by General Municipal Law, Section 239 - 1.2. Unfortunately, no one attended the meeting to represent the application and help discuss the proposal.

After reviewing the proposed lot layout, associated utility plans, private driveway details and surrounding land uses (i.e. existing subdivisions to the east, including “Villa Fina” and “SouthBrook Drive”), the Board felt they needed additional information to help assess potential subdivision impacts. Specific concerns were discussed regarding design of the private driveway that provides access to Lots 3 - 7 as well as proposed water and sewer infrastructure services. They questioned how this proposal compares to the development pattern the town has planned for in this

area, particularly when considering items such as existing comprehensive plan recommendations, subdivision and zoning regulations and municipal infrastructure. The Board also questioned how the proposal relates to the applicant's overall plans for the area and whether there are future plans to link this subdivision with existing subdivisions to the east. The Board noted the importance of understanding the level of consideration that has been given to the comprehensive impacts this subdivision will have regarding items such as compatibility of various land uses with one another, traffic generating characteristics, "protection of community character", drainage, community facilities, open space preservation and emergency services.

For reference, the following is a list of comments that the board routinely makes regarding subdivision/site plan review applications:

- 1) 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.,
- 2) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed development remain compatible with surrounding land uses,
- 3) the proposed sanitary sewer systems must meet applicable local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 4) the proposed lots/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,
- 5) the proposed driveways should have sight distances available that meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance and driveway design should include provision for emergency service vehicle access,
- 6) emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire),
- 7) a driveway permit must be obtained from the Wayne County Highway Department for any driveway proposed to access Ridge Road,
- 8) the proposed lots should meet zoning regulations for lot size, potential building setbacks etc.,
- 9) 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),
- 10) 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 and
- 11) future plans (if any) regarding the total acreage should be considered

Other Business:

Mr. Guthrie made a motion to adjourn the meeting, seconded by Mr. Bartels.
There being no further business, the meeting was adjourned at 8:00 PM.

Respectfully submitted,
Tracy Lambie, Secretary