

WAYNE COUNTY PLANNING BOARD

MINUTES

February 26, 2020

Ron Baker called the February meeting of the Wayne County Planning Board to order at 7:00 p.m. in the Wayne County Office Building in Lyons, New York.

Board Present: Ron Baker, Mert Bartels, Rob Burns, Joe Catalano, Bob Hutteman, Matt Krolak, Larry Lockwood, Larry Ruth, Jim Wedman

Staff: Bret DeRoo, Tracy Lambie

JANUARY 2020 MINUTES

Action – Approve with comments

Motion – Mr. Bartels

Second – Mr. Ruth

Abstention – Mr. Catalano

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. Hutteman

Opposed –

Abstention –

Motion carried

Lakeside Estates, Lot 6, 6901 Lakeside Road, T. Ontario

Preliminary/Final Site Plan, Tax Map Ref. No. 61118-00-873426

Single family residence.

Comments:

- 1) development, including water and wastewater treatment/sanitary service, and driveway design that includes provision for emergency service vehicle access (if applicable) must meet all local, federal and NYS codes/regulations (e.g. Department of Health, Uniform Fire Prevention and Building Codes, Department of Environmental Conservation - Phase II Stormwater Management and Erosion and Sediment Control regulations - if applicable, etc.),
- 2) the driveway should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) a driveway permit should be obtained from the Wayne County Highway Department (Wayne County Department of Public Works),
- 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) future plans (if any) for the total acreage should be considered and
- 6) 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.

Dawn Smith, 3559 Lake Road, T. Williamson

Area Variance, Tax Map Ref. No. 65119-00-275679

24'x48' post frame accessory structure forward of setback of principal structure and closer to road.

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,
- 5) the proposed development must meet applicable local, federal and New York State (e.g. Department of Health, Uniform Fire Prevention and Building Codes) codes/regulations,
- 6) 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
- 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/>) and FEMA flood zone area (approximate mapping available online at <https://msc.fema.gov/portal>) and any planning/development should be done in accordance with applicable regulations.

For reference, the 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.

Michael Brookmire, 7854 N. Maple Road, T. Wolcott

Special Permit, Tax Map Ref. No. 75119-11-538620

Demolish existing cottage, construct new 27'4"x48' cottage.

Comments:

- 1) the proposed development should be sited/developed so that it will not interfere with adjacent property owner(s) views of Port Bay,
- 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 NYS Uniform Fire Prevention and Building Codes,
- 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.,
- 5) development should not take place in the North Maple Road right of (if applicable) 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 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.

D and H Real Property, LLC, 6295 Ridge Road West, T. Sodus

Special Permit/Preliminary/Final Site Plan, Tax Map Ref. No. 68117-00-666990, 68117-00-680996

Build and operate fenced, secure, HVAC and non-HVAC self-storage. Howard Lessord presented.

Action – Approve with comments

Motion – Mr. Krolak

Second – Mr. Ruth

Opposed –

Abstention –

Motion carried

Comments:

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 #1 and #2 found below relate to these items). This seems of particular importance given the blend of land uses that are nearby (e.g. commercial, residential, etc.). Consideration should also be given to the potential impact/influence this proposal could have on how future development would look in other Commercial - zoned property within the town. The developers may have different building/site design and development options available, ultimately with one that meets the character the town desires for this area and zone. The following are the 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, particularly given that the parcel is located between the highly traveled NYS Rt. 104 and Ridge Road,
- 2) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed commercial development remain compatible with surrounding land uses (e.g. i.e. mitigate visual and noise impacts between this proposal and adjacent land uses),
- 3) 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, etc.),
- 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 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 Rd,
- 5) a driveway permit should be obtained from the Wayne County Highway Department (Wayne County Department of Public Works),
- 6) 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),
- 7) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 8) toxic/hazardous materials should not be stored in the proposed storage units,
- 9) future plans (if any) for the total acreage should be considered,
- 10) all necessary "cross-lot easements" should be in place to ensure that existing and potential future development can maintain their function and compatibility (e.g. access/driveway, parking, utility, etc.), particularly if the separate tax parcels are not merged and
- 11) snow maintenance/removal plans should be considered.

Dollar General, Route 414, T. Rose

Special Permit, Tax Map Ref. No. 73115-00-934816

9,100 sq. ft. Dollar General Retail Store with parking and site amenities. Dan Griffiths of Griffiths Engineering presented.

Action – Approve with comments

Motion – Mr. Ruth

Second – Mr. Hutteman

Opposed –

Abstention –

Motion carried

Comments:

It is understood that development needs to follow items found in "William Collier, Gary Poole, Dale Liechti Declaration of Covenants", dated November 01, 1996.

Similar to the Board's last review, they still 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, commercial, 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.

The following comments were made:

- 1) any/all applicable NYS Department of Transportation approvals/recommendations must be obtained/followed (e.g. a driveway work permit should be obtained, 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.

Schreiber Property Solar, 5691 Walworth Road, T. Ontario

Special Permit/Preliminary/Final Site Plan, Tax Map Ref. No. 63116-00-394893

Install 2 mw AC, 2.5 mw DC solar facility. Matt Vanderbrook of GreenSpark presented.

Action – Approve with Comments

Motion – Mr. Ruth

Second – Mr. Hutteman

Opposed –

Abstention – Mr. Catalano

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 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 Department of Agriculture and Markets - “Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands (Revision 10/18/2019)”, NYS Office of Parks, Recreation and Historic Preservation/SHPO, US Army Corps of Engineers and US Fish and Wildlife Service regulations),
- 6) the property owner(s)/applicant should be aware that portions of the parcel may contain (or be near) National wetland area (approximate mapping available online at <http://www.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations and
- 7) future plans (if any) for the total acreage should be considered.

For reference, the following are items that the Board feels could be considered when reviewing PV 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

Also for reference, the Board is seeking additional information 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 over 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 Ontario, potentially permit solar developments on farmland, but they are still interested in continuing to explore development options that would help minimize farmland impacts. As a note, both the NYS Department of Agriculture and Markets as well as the American Farmland Trust offer guidance documents regarding ways to protect farmland while permitting solar development.

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, but are not necessarily limited to proximity to three-phase electric power as well as utility company substations. The substations then need to have the capacity to handle the generated power. 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.

Harbec Building Addition, 358 Timothy Lane, T. Ontario

Preliminary/Final Site Plan, Tax Map Ref. No. 61117-00-282664

30,000 sq. ft. bldg addition for manufacturing and 3,240 sq. ft greenhouse for reuse of process energy.

Action – Approve with comments

Motion – Mr. Burns

Second – Mr. Krolak

Opposed –

Abstention – Mr. Catalano

Motion carried

Comments:

- 1) proposed development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, property maintenance, etc., particularly given that the parcel has access to Timothy Lane and is near the highly traveled NYS Rt. 104 corridor,
- 2) screening (e.g. fence, berm, landscaping, etc.) should be considered/used to help the proposed development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent land uses - if applicable),
- 3) the proposed building addition and greenhouse should be outside of tower/wind turbine (WECS) fall zone area,
- 4) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations) and on-site traffic circulation. Proposed on-site traffic circulation, building area, associated parking area(s) 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 Timothy Lane,
- 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) development, including water and wastewater treatment/sanitary service, must meet all local, federal and NYS codes/regulations (Department of Environmental Conservation - Phase II Stormwater Management and Erosion and Sediment Control regulations and other applicable regulations, Department of Health, Uniform Fire Prevention and Building Code, etc.) and
- 10) proposed development should take applicable “well-considered” and/or master planning efforts/recommendations into account (e.g. “Commerce Center Master Plan”).

The Board was informed that the Town is currently working to gather traffic study-related information for the industrial park area. They would still like to ensure they understand overall/comprehensive plans for the park to the extent possible. 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. They would appreciate remaining informed about this matter as information becomes available.

Paul Thompson, 8371 Thrush Road, T. Wolcott

Special Permit, Tax Map Ref. No. 75120-14-433299

Demolish existing cottage, construct new 764 sq. ft. cottage.

Action –Disapproval with comments

Motion – Mr. Burns

Second – Mr. Catalano

Opposed –

Abstention –

Motion carried

Comments:

The Board felt that additional information should be provided such as the specific cottage location, easements, existing/proposed driveway and existing or proposed wells, waterlines and sanitary facilities. The house footprint shown on the provided map did not appear to match the dimensions of the proposed cottage: 32' x 27'-4". The Board felt that having the required information is important, particularly given that the parcel appears to be near or contain National wetland area as well as FEMA flood zone area (approximate reference map enclosed).

For reference, the following are comments that the Board has made in past (similar) reviews:

- 1) the proposed development should be sited/developed so they will not interfere with adjacent property owner(s) views of Port Bay,
- 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 NYS Uniform Fire Prevention and Building Codes,
- 4) the access driveway should have sight distances available that meet AASHTO (American Association of State Highway and Transportation Officials) recommendations,
- 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, fencing, berms, landscaping etc.,
- 6) development should not take place in the Port Bay Road or Thrush Road right of way (if applicable) 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/>) 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.

Other Business:

Mr. Ruth made a motion to adjourn the meeting, seconded by Mr. Burns. There being no further business, the meeting was adjourned at 7:55 PM.

Respectfully submitted,
Tracy Lambie, Secretary