

WAYNE COUNTY PLANNING BOARD

MINUTES

May 27, 2020

Ron Baker called the May meeting of the Wayne County Planning Board to order at 7:05 p.m. This meeting was held via Zoom video/call conferencing.

Roll call attendance taken by Tracy Lambie.

Board Present: Ron Baker, Mert Bartels, Rob Burns, Joe Catalano, Steve Guthrie, Matt Krolak, Larry Lockwood, Bob Milliman, Bert Peters, Larry Ruth, Ron Thorn, Jim Wedman

Staff: Bret DeRoo, Tracy Lambie, Brian Pincelli

FEBRUARY 2020 MINUTES

Action – Approve with comments

Motion – Mr. Milliman

Second – Mr. Bartels

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

The following 11 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. Krolak

Second – Mr. Bartels

Opposed –

Abstention –

Motion carried

Local Law 3 of 2020, T. Huron

Amend Text

Amend town zoning law concerning Home Occupancy.

Comments:

- 1) the proposed zoning update 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, but it is understood that the town attorney has reviewed this application).

For reference, the following documents and web link 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. “Local Laws and Agricultural Districts: How Do They Relate?” @
https://www.dos.ny.gov/lg/publications/Local_Laws_and_Agricultural_Districts.pdf

Local Law 3 of 2020, T. Macedon

Comments:

- 1) the proposed zoning update 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, but it is understood that the town attorney has reviewed this application) and

For reference, the following documents and web link 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. “**Local Laws and Agricultural Districts: How Do They Relate?**” @ https://www.dos.ny.gov/lg/publications/Local_Laws_and_Agricultural_Districts.pdf
4. “**Guidebook for Local Governments**” @ <https://www.nyserda.ny.gov/All-Programs/Programs/NY-Sun/Communities-and-Local-Governments/Solar-Guidebook-for-Local-Governments>

VIP Fit Gym, 240 NYS Route 31, T. Macedon

Preliminary/Final Site Plan, Tax Map Ref. No. 61111-00-127736

Renovation and change of use from restaurant to fitness gym.

Comments:

- 1) no structure/addition should be constructed closer to NYS Rt. 31 than already exists,
- 2) 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,
- 3) screening (e.g. fence, berm, landscaping, etc.) should be considered/used to help the proposed development remain compatible with surrounding land uses,
- 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 NYS Rt. 31. The information could be useful for emergency service providers to review and know also,
- 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) 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),
- 7) 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.),
- 8) snow maintenance/removal plans should be considered and
- 9) future plans (if any) for the parcel should be considered.

Hitchcock Single Family Home, 680 Turner Road, T. Macedon

Preliminary/Final Site Plan, Tax Map Ref. No. 63110-00-852699

Single family home.

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) 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
- 4) future plans (if any) for the total acreage should be considered.

Norsen Single Family Home, 2322 Magog Road, T. Macedon

Preliminary/Final Site Plan/Preliminary/Final Subdivision Plan, Tax Map Ref. No. 63111-00-728055

2 lot subdivision for single family home.

Comments:

- 1) the proposed lots should be configured/developed 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 (Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 2) the proposed lots should be configured/developed 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) 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.),
- 4) future plans (if any) for the total acreage should be considered,
- 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. and
- 6) the property owner(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 <https://www.dec.ny.gov/animals/38801.html>) and any planning/development should be done in accordance with applicable regulations.

Matthew Nortier, 517 Berg Road, T. Ontario

Preliminary/Final Site Plan, Tax Map Ref. No. 61118-00-465321

Single family home.

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) 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) future plans (if any) for the total acreage should be considered and
- 5) the property owner(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 <https://www.dec.ny.gov/animals/38801.html>) 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.

Kyle Nelson, Ontario Center Road, T. Ontario

Preliminary/Final Site Plan, Tax Map Ref. No. 62118-00-676227

Single family home.

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) 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
- 4) future plans (if any) for the total acreage should be considered.

Bradley Cook, 3041 State Route 21N., T. Palmyra

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 65113-00-338592

3 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) 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,
- 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. (if applicable),
- 6) a driveway permit will need to be obtained from the NYS Department of Transportation (if applicable) and
- 7) the property owner(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 <https://www.dec.ny.gov/animals/38801.html>) and any planning/development should be done in accordance with applicable regulations.

Craig Cuvelier, 8315 Stell Road, T. Sodus

Preliminary Subdivision Plan, Tax Map Ref. No. 71116-00-209296

Subdivide 2.5 acres with house.

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) 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) 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, 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.),
- 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 property owner(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.

Cocquyt Subdivision, Seeley Road, T. Williamson

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

3 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 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 property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland area (approximate mapping available online at <https://www.dec.ny.gov/animals/38801.html>) and any planning/development should be done in accordance with applicable regulations.

John & Florence Doyle, 2742 Shepherd Road, T. Williamson

Final Subdivision Plan, Tax Map Ref. No. 64119-00-261093

2 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 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 property owner(s) should be aware that portions of the parcel may contain (or be near) National wetlands inventory “riverine” area (approximate mapping available online at <https://www.dec.ny.gov/animals/38801.html>) and any planning/development should be done in accordance with applicable regulations.

Jon Forget, 7345 E. Townline Road, T. Williamson

Area Variance, Tax Map Ref. No. 66118-00-977994

12'x16' bldg for custom picture framing business.

Action – Approve with comments

Motion – Mr. Krolak

Second – Mr. Wedman

Opposed –

Abstention – Mr. Peters

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/adequate should be considered,
- 3) the Town may wish to review applicable regulations to determine if they still meet intended objectives should there be repeated requests for similar variances,
- 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) screening (e.g. fence, berm, landscaping, etc.) should be considered to help the proposed development remain compatible with surrounding land uses,
- 6) 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,
- 7) 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 and associated parking area(s) should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to East Townline Rd.,

- 8) emergency service vehicle access should be planned and provided for, including driveway design that meets NYS 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),
- 9) future plans (if any) for the total acreage should be considered and
- 10) 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 <https://www.dec.ny.gov/animals/38801.html>) 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 Sinniger, 4009 Route 104, T. Williamson

Area Variance, Tax Map Ref. No. 65117-08-837873

1.5’ front setback relief for façade repairs.

Action – Approve with comments

Motion – Mr. Ruth

Second – Mr. Milliman

Opposed –

Abstention – Mr. Peters

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/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., particularly given the site’s location on the highly traveled NYS Rt. 104 and
- 4) the proposed development must meet applicable local, federal and New York State (e.g. Department of Transportation, Uniform Fire Prevention and Building Codes, Department of Health) codes/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.

Pace Electronics, 4392 Route 104 / 4407 Old Ridge Road, T. Williamson

Use Variance, Tax Map Ref. No. 66117-00-305905, 66117-00-233889

50,000 sq. ft. warehouse building addition.

Action – Disapproval with comments, **Motion did not carry**

Motion – Mr. Ruth

Second – Mr. Bartels

Votes:

Ayes: Mr. Ruth, Mr. Bartels, Mr. Burns, Mr. Guthrie, Mr. Krolak

Opposed – Mr. Baker, Mr. Lockwood, Mr. Milliman, Mr. Thorn, Mr. Wedman

Due to technical difficulties, we were unable to get a vote from Mr. Catalano.

Abstention – Mr. Peters

There were not enough Ayes to carry the vote regardless of Mr. Catalano’s vote.

Motion does not carry

Comments:

Application representatives offered details to the Board relating to the tests that must be passed in order to issue a use variance. This led to Board discussion regarding how the potential change in zoning from commercial to industrial relates to plans and regulations that are associated with development and land use in the town. Both the “Future Land Use” map found in the “Comprehensive Plan For The Town of Williamson, NY” (Adopted March 2010) and the adopted “Town of Williamson Zoning Map”, (Revised December 2016) appear to illustrate municipal plans for and implementation of commercial development for the parcel area. The zoning map also illustrates that this commercially- zoned parcel appears to be near several different zoning districts in the town such as Residential (R-1), Mixed-Use (MU-1), Transitional Commercial (C-2) and Industrial (I-1).

There was also discussion regarding whether there are other options available that would help avoid the need for a use variance. This included questioning if there is land available within the town that is already zoned Industrial and suitable for the proposed development. Application representatives indicated that this site has been selected for the project for various reasons and referred to the documentation they have drafted in their effort to meet each of the elements of the use variance test.

Again for reference, the following are comments the Board routinely offers regarding proposed use variances:

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

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.

Provided that the Wayne County Planning 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 Williamson may proceed with its review without the need for an extraordinary vote.

Other Business:

Mr. Guthrie made a motion to adjourn the meeting, seconded by Mr. Wedman. There being no further business, the meeting was adjourned at 8:08 PM.

Respectfully submitted,
Tracy Lambie, Secretary