

WAYNE COUNTY PLANNING BOARD

MINUTES

April 29, 2015

Chairman, Dave Broach called the April meeting of the Wayne County Planning Board to order at 7:00 p.m. in the Wayne County Courthouse in Lyons, New York.

Board Present: Dave Broach, Ken Burgess, Robert Burns, Steve Guthrie, Bob Hutteman, Matt Krolak, Dave LeRoy, Larry Lockwood, Larry Ruth, Ron Thorn

Staff: Bret DeRoo, Tracy Lambie

MARCH 2015 MINUTES

Action – Approve

Motion – Larry Ruth

Second – Dave LeRoy

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

Sodus Bay Yacht Club, 7431 Irwin Street, V. Sodus Point

Special Permit, Tax Map Ref. No. 71119-18-493104

15'x200' wave attenuator, Dave Scudder presented

Action – Approve with comments

Motion – Mr. Ruth

Second – Mr. Guthrie

Opposed – Mr. Burgess

Abstention – Mr. LeRoy

Motion carried

Comments:

- 1) any/all necessary local, New York State and federal approvals/permits must be obtained (e.g. NYS Department of Environmental Conservation, NYS Office of General Services, NYS Dept. of Parks, Recreation and Historic Preservation-Floating Object Permit-lighting, U.S. Coast Guard. U.S. Army Corps of Engineers),
- 2) the Board noted that it does not wish to establish a precedent for excessive development within public waters and recommends that construction be limited to the minimum needed,
- 3) the property owner/s should be aware that portions of the parcel appear to contain (or be near) National wetland area as well as FEMA flood zone area and any planning/development should be done in accordance with applicable regulations and
- 4) applicable National Oceanic and Atmospheric Administration (NOAA) Chart/s should be updated to illustrate the proposed attenuators should they be approved.

Morchaela Properties, LLC., 199 Route 88 South, T. Arcadia

Area Variance / Final Site Plan, Tax Map Ref. No. 68110-18-339177

Single family home, Mike Colacino presented

Action – Approve with comments

Motion – Mr. Burgess

Second – Mr. Thorn

Opposed –
Abstention –
Motion carried

Comments:

- 1) the hardship criteria that are required to grant the area variance must be substantiated at the local level,
- 2) the proposed septic system must meet NYS Department of Health regulations,
- 3) the proposed driveway should have available sight distances that will meet AASHTO (American Association of State Highway and Transportation Officials) recommendations,
- 4) a NYS Department of Transportation driveway permit should be obtained and
- 5) future plans (if any) for the total acreage should be considered.

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

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

Mini storage building. Don Lewis of AEY presented.

Action – Approve with comments

Motion – Mr. Lockwood

Second – Mr. Burgess

Opposed –

Abstention – Mr. LeRoy

Motion carried

Comments:

- 1) the buildings/site should be developed in a manner that helps them remain compatible with surrounding land uses (particularly adjacent residential uses) and also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, etc. This is of particular importance given the site's location on the NYS Seaway Trail, a "gateway" into the Village (e.g. the residence to the south could be screened using a berm and/or fencing and the proposed storage unit could be screened from NYS Rt. 14 by constructing a berm between the proposed building and NYS Rt. 14 with landscaping features on top),
- 2) dust control measures should be considered, and implemented if necessary, for the proposed stone/gravel access driveway,
- 3) all proposed development must meet NYS Uniform Fire Prevention and Building Codes,
- 4) 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 and
- 5) any/all hazardous/toxic materials, that may be associated with the proposed use, must be properly stored, handled and disposed of and
- 6) local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. police and fire).

Wind & Solar Specialists, 363 Vienna Road, T. Arcadia

Use Variance / Area Variance, Tax Map Ref. No. 68110-00-733260

153' wind tower

Action – Disapprove with comments

Motion – Mr. Ruth

Second – Mr. Burgess

Opposed –

Abstention –

Motion carried

Comments:

- 1) The Board felt the proposed wind tower would not be compatible with the surrounding residential uses and
- 2) The proposed tower “fall zone” was not completely contained on the applicant’s property.

For reference, the following are “standard comments” regarding “Wind Energy Conversion Systems (WECS) – Small” and use variance requests:

- 1) the hardship criteria that are required to grant the area and use variances must be substantiated at the local level,
- 2) turbine noise level data should be provided and the levels should not create a public nuisance,
- 3) the turbine should be installed by a certified installer,
- 4) if mounted to an existing structure, a licensed engineer should verify that there is (structural) capacity to meet the load requirements of the WECS (does not appear to be applicable for this application),
- 5) an interconnection agreement (which includes technical, contractual, rate and metering issues) should be in place with the applicable utility company should the WECS be connected to the electric utility system or grid,
- 6) if applicable, the proposal must be in compliance with FAA regulations,
- 7) anti-climb shields should be intact,
- 8) the fall zone should be completely contained on the applicant/s property (not so in this case) and
- 9) there should be no structures within the fall zone.

Zoning Amendment (Signs), T. Marion
Amend Text

Action – Approve with comments

Motion – Mr. Ruth

Second – Mr. Thorn

Opposed –

Abstention –

Motion carried

Comments:

- 1) the proposed zoning code update (sign regulations) 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”,
- 2) the Town attorney should review and approve the proposed amendments,
- 3) documents that are available via the following two (2) NYS Department of State links should be used for reference prior to finalizing the regulations:
http://www.dos.ny.gov/lg/publications/Municipal_Control_of_Signs.pdf and
<http://www.dos.ny.gov/cnsl/lu02.htm> and
- 4) the Board typically recommends that signs should be reviewed to verify that they will not impede available vehicular sight distances (e.g. a ground sign located near a road intersection should be installed at a height that will not impede sight distances).

AT&T, 229 West Union Street, V. Newark
Preliminary Site Plan, Tax Map Ref. No. 68111-17-245050
1,600 sq. ft. building

Action – Approve with comments

Motion – Mr. LeRoy

Second – Mr. Hutteman

Opposed –

Abstention –
Motion carried

Comments:

- 1) the building/site should be developed and maintained in an aesthetically pleasing manner (from all directions) through use of items such as building design/materials, fencing, landscaping etc., particularly given that the site is visible from the highly traveled Union Street (NYS Rt. 31/ NYS Canal Corridor). The applicant will likely have building/site design options available that meet the character the Village desires. The Board recommended that “Preparing Village Main Streets for Planning-Newark, NY” (prepared by the Genesee Finger Lakes Regional Planning Council, June 2007) should be used as a reference document for design alternatives,
- 2) any/all necessary NYS Department of Transportation permits must be obtained (e.g. driveway permit),
- 3) stormwater management and erosion and sediment control plans should be in place and
- 4) proposed signage should be in character with signs that have been approved for other commercial uses in the Village (e.g. McDonald’s, Walgreens, etc.).

Burnap / Sustainable Energy Developments, 7277 Maple Avenue, T. Sodus

Special Permit, Tax Map Ref. No. 69118-00-123935

140’ wind tower

Action – Approve with comments

Motion – Mr. Thorn

Second – Mr. Burns

Opposed –

Abstention – Mr. LeRoy

Motion carried

Comments:

- 1) turbine noise level data should be provided and the levels should not create a public nuisance,
- 2) the turbine should be installed by a certified installer,
- 3) if mounted to an existing structure, a licensed engineer should verify that there is (structural) capacity to meet the load requirements of the WECS (does not appear to be applicable for this application),
- 4) an interconnection agreement (which includes technical, contractual, rate and metering issues) should be in place with the applicable utility company should the WECS be connected to the electric utility system or grid,
- 5) if applicable, the proposal must be in compliance with FAA regulations,
- 6) anti-climb shields/measures should be intact,
- 7) the fall zone should be completely contained on the applicant/s property,
- 8) there should be no structures within the fall zone and
- 9) the property owner/s should be aware that a portion of the parcel may contain (or be near) National wetland area and any planning/development should be done in accordance with applicable regulations.

The following 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. LeRoy

Second – Mr. Burns

Opposed –

Abstention –

Motion carried

Nodecker-Warner Subdivision, 3013 Daansen Rd., T. Macedon
Preliminary/Final Subdivision Plan, Tax Map Ref. No. 64113-00-146543
2 lot subdivision

Comments:

- 1) the proposed lots should be configured with enough area to contain an existing and/or construct a new septic system that will meet NYS Department of Health regulations,
- 2) the proposed lots should be configured with enough area to contain an existing and/or construct a new driveway that will meet 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 and
- 4) the property owner/s should be aware that portions of the proposed parcels may contain (or be near) National wetland area and FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

Blush Floral and Wedding Designs, LLC., 104 West Miller Street, V. Newark
Use Variance, Tax Map Ref. No. 68111-18-332002

Internally illuminate 12'x2' attached sign

Comments:

- 1) the hardship criteria that are required to grant the use variance must be substantiated at the local level and
- 2) the Village may wish to review sign regulations to determine if they still meet intended objectives should there be repeated requests for similar variances.

Steve Martin, 8259 South Shore Road, V. Sodus Point
Special Permit, Tax Map Ref. No. 71118-05-148811

Two 5'x12' east and west deck extensions

Comments:

- 1) any/all necessary NYS Department of Environmental Conservation and U.S. Army Corps of Engineers approvals/permits must be obtained,
- 2) the Board noted that it does not wish to establish a precedent for excessive development within public waters and recommends that construction be limited to the minimum needed and
- 3) the property owner/s should be aware that portions of the parcel appear to contain (or be near) National wetland area as well as FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

Zimmer Subdivision, 1624 Walworth-Penfield Rd, T. Walworth
Preliminary/Final Subdivision Plan, Tax Map Ref. No. 62114-00-883333

2 lot subdivision

Comments:

- 1) the proposed lots should be configured with enough area to contain an existing and/or construct a new septic system that will meet NYS Department of Health regulations,
- 2) the proposed lots should be configured with enough area to contain an existing and/or construct a new driveway that will meet 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 and
- 4) the property owner/s should be aware that portions of the proposed Lot 2 may contain (or be near) National wetland area and NYSDEC wetland area as well as FEMA flood zone area and any planning/development should be done in accordance with applicable regulations.

Other Business:

As there was a vacancy in the position of secretary due to a resignation, Mr. Krolak nominated Mr. Hutteman for the position. Seconded by Mr. Ruth. Motion carried.

There being no further business, the meeting was adjourned at 8:25 PM.

Respectfully submitted,
Tracy Lambie, Secretary