

WAYNE COUNTY PLANNING BOARD

MINUTES

May 25, 2011

Larry Lockwood called the May meeting of the Wayne County Planning Board to order at 7:00 p.m. in the Court House in Lyons, New York.

Present: David Broach, Steve Buisch, Nelson Cook, Monica Deyo, Steve Guthrie, Dave LeRoy, Larry Lockwood, Kevin Rooney, Larry Ruth, Jim Switzer, Ron Thorn, Roger VanDemortel, Ken VandeWalle

Staff: Bret DeRoo

Guests: Bob Bechtold (Harbec), Scott Abbett (Harbec), Meaghann Schulte, George McConochie (Harbec), Gene Renkert (Creations by Suzan), Linda Shaw (Ultralife), Mari McGown (Ultralife), Dave Hoffmeister (Ultralife)

APRIL 2011 MINUTES

Action – Approve

Motion – Mr. Switzer

Second – Mr. Buisch

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

Harbec Corporation, 369 Route 104, T. Ontario

Area Variance/Special Use Permit/Prelim./Final Site Plan, Tax Map Ref. No: 61117-00-341669

Wind turbine

Action – Approve with conditions

Motion – Mr. Rooney

Second – Mr. VanDemortel

Opposed – Mr. Broach

Abstention –

Motion carried

Conditions:

- 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) a licensed engineer should verify that the tower has the structural capacity to meet the load requirements of the WECS,
- 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) the proposal must be in compliance with FAA regulations,
- 6) anti-climb measures should be intact,
- 7) the proposed WECS should not interfere with any existing tower communication signals (e.g. E911, cell, etc.) and
- 8) the hardship criteria required to grant the area variances must be substantiated at the local level.

The WCPB discussed the fall zone associated with the proposed WECS and registered concern that a portion of the Harbec Plastics building and parking lot, as well as Timothy Lane, are within the fall zone. The Board typically recommends that a tower fall zone be completely contained on the applicant's property. Recently, the Board has even added that there should be no structures within the fall zone.

The Board prefers to remain consistent with past tower recommendations and to ensure that public safety is maintained should the tower/turbine collapse. They ultimately made their decision after listening to the applicant's discussion points regarding the fall zone as follows:

- 1) should the tower collapse, it is designed to bend rather than remain rigid and therefore will NOT fall to the furthest extent possible (this information should be verified locally),
- 2) there is an on-site wetland delineated to the east of the proposed tower site that prevents relocating the turbine further away from the Harbec building and parking area (i.e. further east of),
- 3) reducing the tower height would reduce the wind generating potential of the turbine (possibly exponentially),
- 4) there are few recorded incidents regarding the collapse of similar towers,
- 5) the existing Harbec turbine has operated without incident since it was installed (approx. 8.5 years ago) and
- 6) the Ontario Midland Railroad and NYS Rt. 104 rights-of-way are outside of the proposed WECS fall zone.

Ultralife Corporation, 2000 Technology Parkway, V. Newark
Special Use Permit/Prelim./Final Site Plan, Tax Map Ref. No: 68110-14-499340

Wind turbine

Action – Approval with conditions

Motion – Mr. Guthrie

Second – Mr. VanDemortel

Abstention –

Motion carried

Conditions:

- 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) a licensed engineer should verify that the tower has the structural capacity to meet the load requirements of the Wind Energy Conversion System (WECS),
- 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 should be intact,
- 7) the fall zone should be completely contained on the applicant's property and
- 8) there should be no structures within the fall zone.

Creations by Suzan, 4408 Route 31, T. Palmyra
Use Variance, Tax Map Ref. No: 66111-18-335091

Pottery shop

Action – Approve with conditions

Motion – Mr. Guthrie

Second – Mr. Buisch

Abstention –
Motion carried

Conditions:

- 1) the business should be conducted at a level (e.g. minimize outside activity and storage as well as traffic impacts) that will remain compatible with the adjacent residential land uses,
- 2) if necessary, screening, such as fencing should be used to buffer the operation from neighbors,
- 3) the site should be developed/maintained in an aesthetically pleasing manner (ie. through use of landscaping, maintenance, limiting outside storage etc.) as it is sited on the highly traveled NYS Rt. 31 (Canal Corridor),
- 4) the septic system should be functional,
- 5) if applicable, hazardous/toxic materials should be properly handled, stored and disposed of and
- 6) the hardship criteria required to grant a use variance must be substantiated at the local level.

Harlan Hilton, 2887 Walworth Road, T. Macedon

Prelim./Final Subdivision Plan, Tax Map Ref. No: 63113-00-596359

One lot subdivision

Action – Approval with conditions

Motion – Mrs. Deyo

Second – Mr. VandeWalle

Abstention –

Motion carried

Conditions:

- 1) Town subdivision regulations must be met and
- 2) the Purchase of Development Rights (PDR) conservation easements that are associated with the land must be complied with.

Integrity Tool, 6485 Furnace Road, T. Ontario

Prelim. / Final Site Plan, Tax Map Ref. No: 63117-00-570907

30' x 32' building

Action – Approval with conditions

Motion – Mr. Switzer

Second – Mr. Cook

Abstention –

Motion carried

Conditions:

- 1) all applicable NYS Uniform Fire Prevention and Building Codes must be met and
- 2) outside storage should be limited and
- 3) hazardous/toxic materials must be properly handled, stored and disposed of.

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

Action – Return these referrals to their respective town/village to be handled as local matters.

Motion – Mr. Switzer

Second – Mr. Cook

Abstention –

Motion carried

Joe Connelly garage addition, 7601 East Bay Road, T. Huron

Area Variance, Tax Map Ref. No. 73119-00-405316

Comments:

- 1) the hardship criteria required to grant the area variance must be substantiated at the local level and
- 2) development should avoid the National and NYSDEC wetland (and associated buffer) areas as well as the FEMA flood zone area that all appear to run parallel with the western parcel boundary.

Christopher Paul in-law apartment, 855 Farmington Road, T. Macedon

Area Variance, Tax Map Ref. No. 62110-00-096872

Comments:

- 1) all applicable NYS Uniform Fire Prevention and Building Codes must be met,
- 2) the septic system associated with the proposed in-law apartment must meet NYS Department of Health regulations,
- 3) the apartment should be for in-law use only and
- 4) the hardship criteria required to grant the area variance must be substantiated at the local level.

Nevlezer Subdivision, 5046 Williamson Road, T. Marion

Final Subdivision Plan, Tax Map Ref. No. 66116-00-001113

Comments:

The proposed lots should be configured with enough area to compensate a septic system that will meet all applicable NYS Department of Health regulations

Grass Garage, 4646 Route 414, T. Rose

Area Variance, Tax Map Ref. No. 74115-00-039615

Comments:

- 1) the hardship criteria required to grant the area variance must be substantiated at the local level and
- 2) the proposed garage should meet NYS Department of Health separation distance requirements from the existing septic system.

Other Business:

A motion was made regarding the letter to the Town of Walworth CEO, prepared by the Wayne County Planning Department regarding the Informal Review of the Twilight Valley RV Park conducted during the April 2011 Wayne County Planning Board meeting.

Action – Approve with modifications

Motion – Mr. Cook

Second – Mr. Switzer

Abstention –

Motion carried

There being no further business, the meeting was adjourned at 8:55 PM.

Respectfully submitted,

Tracy Lambie, Secretary