

**WAYNE COUNTY PLANNING BOARD**  
**MINUTES**  
June 29, 2011

Larry Lockwood called the June 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, Nelson Cook, Monica Deyo, Steve Guthrie, Dave LeRoy, Larry Lockwood, Larry Ruth, Jim Switzer, Ron Thorn, Roger VanDemortel, Ken VandeWalle

Staff: Bret DeRoo, Tracy Lambie

Guests: Ron Emison (ReGenerations), Peter Vars (BME, Lakeview), Dave Masters (Lakeview)

**MAY 2011 MINUTES**

**Action** – Approve

**Motion** – Mr. Switzer

**Second** – Mr. VandeWalle

**Abstention** – Mr. Ruth

**Motion carried**

**ZONING AND SUBDIVISION REFERRALS**

**Re-Generations retail store, 3903 Route 31, T. Palmyra**

Use Variance, Tax Map Ref. No: 65111-11-716669

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**Action** – Approve with conditions

**Motion** – Mr. Guthrie

**Second** – Mr. Ruth

**Opposed** –

**Abstention** –

**Motion carried**

**Conditions:**

- 1) business activity should not impede traffic flow on NYS. Rt. 31 by ensuring that:
  - a. all parking is provided for on-site (i.e. there should be no parking on the highway or shoulder) and
  - b. there is safe site ingress and egress (i.e. the driveway and on-site parking areas should remain available for vehicles and not be come part of an outdoor storage area),
- 2) outside storage/display should be limited,
- 3) the site should be maintained in an aesthetically pleasing manner (through use of maintenance, landscaping, etc.) as the parcel is located on the highly traveled NYS Rt. 31 (Canal Corridor),
- 4) the business should be conducted at a level that will remain compatible with the adjacent residential land uses (i.e. minimize outside activity and storage/display as well as traffic impacts),
- 5) if necessary, screening, such as fencing should be used to buffer the operation from neighbors and
- 6) the hardship criteria required to grant the use variance must be substantiated at the local level.

**Hill Road re-zoning, Lakeview, Hill Road, T. Lyons**

Amend map, Tax Map Ref. No: 71111-00-653413

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**Action** – Approval with conditions

**Motion** – Mr. Ruth

**Second** – Mr. VandeWalle  
**Opposed** – Mr. Guthrie  
**Abstention** –  
**Motion carried**

**Conditions:**

- 1) the rezoning proposal should be based on a comprehensive or “well-considered” plan for the betterment of the whole community. Given that the proposal would rezone one parcel of land to Residential-Agricultural (R-A) that is surrounded by Industrial Zone (M-1), the Board wanted to ensure that the Town would not be considered “spot zoning”. Per the JAMES A. COON LOCAL GOVERNMENT TECHNICAL SERIES, “Zoning and the Comprehensive Plan”, *Spot zoning* refers to the rezoning of a parcel of land to a use category different from the surrounding area, usually to benefit a single owner or a single development interest. Size of the parcel is relevant, but not determinative. Illegal spot zoning occurs whenever “the change is other than part of a well-considered and comprehensive plan calculated to serve the general welfare of the community.”
- 2) all required environmental assessments/reviews/studies and associated mitigation, if necessary, should be complete to ensure the property is satisfactory for the proposed development and
- 3) the Town attorney should review and approve the rezoning request.

**Luong pole barn, animals, 641 Route 31, T. Macedon**

Area Variance, Tax Map Ref. No: 61111-00-631772

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Pole barn, animals on less than 5 acres

**Action** – Deny with comments  
**Motion** – Mr. Switzer  
**Second** – Mrs. Deyo  
**Abstention** –  
**Motion carried**

**Comments:**

The Board felt the proposal would lead to a use that is not compatible with the surrounding ORM zone.

The Board also noted that the hardship criteria required to grant the area variances must be substantiated at the local level.

**Tops Fuel Facility, 6272 Furnace Road, T. Ontario**

Special Use Permit / Prelim./Final Site Plan, Tax Map Ref. No: 63117-10-434642

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**Action** – Deny with comments  
**Motion** – Mr. Guthrie  
**Second** – Mr. Ruth  
**Abstention** –  
**Motion carried**

**Comments:**

The Board felt the proposed fuel facility location would negatively impact on-site traffic circulation, parking patterns and snow removal operations, thereby creating a public safety concern.

The Board was also concerned with the potential this proposal has to increase petroleum runoff into Bear Creek.

**Cuyler Street, Hyde Parkway, Prospect Dr. and Vienna St. Overlay Districts, V. Palmyra**

122, 126, 127, 134 Cuyler Street, Tax Map Ref. No: 64111-11-710662, 64111-11-710655, 64111-11-688659, 64111-11-713647

405 W. Main Street, 101 and 102 Hyde Parkway, Tax Map Ref. No: 64111-10-333673, 64111-10-326661, 64111-10-360660

385 Prospect Drive / 103 Vienna Street, Tax Map Ref. No: 64111-12-834658, 64111-12-850662

Amend Map

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Commercial Overlay Districts

**Action** – Approve with conditions

**Motion** – Mr. Switzer

**Second** – Mr. Ruth

**Abstention** –

**Motion carried**

**Conditions:**

- 1) the Village should demonstrate that the proposed zoning overlays are based on a “comprehensive plan” for the betterment of the whole community (as recommended in the JAMES A. COON LOCAL GOVERNMENT TECHNICAL SERIES, “Zoning and the Comprehensive Plan”, Revised 2009, and available at the following link: [http://www.dos.state.ny.us/LG/publications/Zoning\\_and\\_the\\_Comprehensive\\_Plan.pdf](http://www.dos.state.ny.us/LG/publications/Zoning_and_the_Comprehensive_Plan.pdf) and
- 2) the Village attorney should review and approve the proposed changes.

**Kent Street Re-Zoning, 100, 102, 104, 115, 119, 120, 150, 312, 334, 338 Kent St., V. Palmyra**

Amend Map, Tax Map Ref. No: 65111-09-138709, 65111-09-100229, 65111-09-100737, 65111-09-079744, 65111-09-080728, 65111-09-100748, 65111-05-099784, 65111-05-035777, 65111-05-058792, 65111-05-063799

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**Action** – Approve with conditions

**Motion** – Mr. Guthrie

**Second** – Mr. Thorn

**Abstention** –

**Motion carried**

**Conditions:**

- 1) the Village should demonstrate that the proposed zoning overlays are based on a “comprehensive plan” for the betterment of the whole community (as recommended in the JAMES A. COON LOCAL GOVERNMENT TECHNICAL SERIES, “Zoning and the Comprehensive Plan”, Revised 2009, and available at the following link: [http://www.dos.state.ny.us/LG/publications/Zoning\\_and\\_the\\_Comprehensive\\_Plan.pdf](http://www.dos.state.ny.us/LG/publications/Zoning_and_the_Comprehensive_Plan.pdf) and
- 2) the Village attorney should review and approve the proposed changes.

**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. Thorn

**Abstention** –

**Motion carried**

**Central Sign and Crane, 2400 Route 350, T. Macedon**

Area Variance, Tax Map Ref. No. 62112-00-838804

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Variance for number and size of signs

**Comments:**

The hardship criteria required to grant the area variance must be substantiated at the local level.

**Cheetham Subdivision, 7280 Sodus Center Road, T. Sodus**

Preliminary Subdivision Plan, Tax Map Ref. No. 69116-00-890610

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**Comments:**

The lot 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.

There being no further business, the meeting was adjourned at 8:10 PM.

Respectfully submitted,

Tracy Lambie, Secretary