

WAYNE COUNTY PLANNING BOARD

MINUTES

August 29, 2012

Chairman, Steve Buisch called the August meeting of the Wayne County Planning Board to order at 7:00 p.m. in the Court House in Lyons, New York.

Present: Dave Broach, Steve Buisch, Ken Burgess, Monica Deyo, Steve Guthrie, Dave LeRoy, Larry Lockwood, Larry Ruth, Jim Switzer, Roger VanDemortel, Ken VandeWalle

Staff: Bret DeRoo, Tracy Lambie

Guests: Barb Heald (Twilight on the Erie), Don Lewis (AEY, Twilight), Kevin Schulte (Northern Developments, Harbec)

JULY 2012 MINUTES

Action – Approve

Motion – Mr. Switzer

Second – Mr. Ruth

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

Twilight on the Erie, 997 Route 31, T. Macedon

Special Permit / Prelim (overall)/Final (Phase 1) Site Plan / Prelim. / Final Subdivision plan, Tax Map

Ref. No: 62112-00-055042

3 Phase RV and campground resort

Action – Approve with Comment

Motion – Mr. Ruth

Second – Mrs. Deyo

Abstention –

Motion carried

Comment:

- 1) the extension to Marina Parkway should be designed/constructed to meet town road specifications,
- 2) handicapped accessible sites should be planned and made available near restroom/shower facilities that meet ADA accessibility requirements and
- 3) any/all necessary local, state and federal permits/approvals must be obtained.

Harbec Plastics, 360 Timothy Lane, T. Ontario

Area Variance, Tax Map Ref. No. 61117-00-341669

Wind turbine

Action – Approve with Comments

Motion – Mr. Switzer

Second – Mr. Guthrie

Opposed – Mr. Broach, Mr. Ruth

Abstention –

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) 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. 9.5 years ago) and
- 6) the Ontario Midland Railroad and NYS Rt. 104 rights-of-way are outside of the proposed WECS fall zone.

Richard Franco, 153 Lake Road, T. Ontario

Use Variance, Tax Map Ref. No. 61119-00-020267

Gas station, convenience store, auto repair

Action – Deny with Comments

Motion – Mr. Switzer

Second – Mr. VanDemortel

Abstention –

Motion carried

Comments:

They do not wish to discourage business or reuse of an existing building, but given the description (and mix) of proposed improvements including “grocery store, gas station, repair garage and fast food” they felt additional information must be provided to help them consider:

- 1) compatibility the proposal will have with surrounding land uses,
- 2) traffic impacts (onsite included) and

- 3) how all applicable town and state codes/regulations (e.g. NYS Department of Environmental Conservation, NYS Department of Health and NYS Uniform Fire Prevention and Building Code) would be met given the proposed uses and current site layout (i.e. building location, distance from gas pumps to the building and Lake Road, Lake Road right-of-way, on-site traffic patterns, parking/delivery area/s, outdoor storage area/s, etc.).

The Board also notes that the hardship criteria required to grant a use variance must be substantiated at the local level.

Local Law #3 of 2012, T. Ontario

Amend Text

Addition of 150-28 to town code will allow “incentive zoning”

Action – Approve with Comments

Motion – Mr. Switzer

Second – Mr. Ruth

Abstention –

Motion carried

Comments:

- 1) incentive zoning proposals 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, “Adopting Zoning for the First Time” and
- 2) the Town attorney should review and approve the proposed law.

Frank Pitts, Route 104, T. Williamson

Final Site Plan / Final Subdivision Plan, Tax Map Ref. No. 65117-00-733820, 65117-00-791802

Subdivision and site plan for pizzeria

Action – Approve with Comments

Motion – Mr. Ruth

Second – Mr. LeRoy

Abstention –

Motion carried

Comments:

Future plans for the total holdings should be considered (the same comment made during their preliminary subdivision review on June 27, 2012). The Board discussed how access would be provided to not only the proposed 1.28 acre parcel, but the remaining 20+ acre parcel as well. Based on overall plans, they would like to ensure that the most efficient access possible will be planned to NYS Rt. 104. The Board questioned if any of the remaining land would be used for “connector road” access to Whispering Woods to the west, Lake Ave to the east or Bennett Street to the south, for example.

Additionally, the Board felt it should be noted that the southwestern portion of the “parent parcel” appears to contain national wetland area

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. VandeWalle

Abstention –

Motion carried

Fisk-Williams Subdivision, Dean Road, T. Marion
Final Subdivision Plan, Tax Map Ref. No. 65115-00-287021
Convey 5.208 acres to new owner

Comments:

Future plans for the remainder of the land should be considered.

Poole Garage, 4883 Main Street, T. Rose
Area Variance, Tax Map Ref. No. 73115-08-837902

Comments:

- 1) the proposed garage should meet NYS Department of Health separation distance requirements from the existing septic system,
- 2) an adequate setback area should remain between the proposed garage and property boundaries to allow for construction, maintenance, etc. of the proposed structure from this parcel and
- 3) the hardship criteria required to grant the area variance must be substantiated at the local level.

Gary Walczak, 7792 Dove Road, T. Wolcott
Special Permit, Tax Map Ref. No. 75119-11-702522
Addition to existing cottage

Comments:

- 1) the septic system must meet NYS Department of Health regulations,
- 2) the addition should be constructed so it will not interfere with adjacent property owner/s views of Port Bay and
- 3) the addition and resulting setback distances must meet NYS Uniform Fire Prevention and Building Code (the setback distance between the proposed structure and southern property line appears to be approximately 13’).

Richard Lawler, Kittering Road, T. Macedon
Prelim. / Final Site Plan, Tax Map Ref. No. 61113-00-258384
Single family home, 3.7 acres

Comments:

- 1) given the distance of the proposed residence from the road, emergency vehicle should be provided for and
- 2) the septic system must meet NYS Department of Health regulations.

Other Business:

Mr. Switzer noted he would like to see incentive zoning in a future training session.

Board given reminder of upcoming training opportunities.

There being no further business, the meeting was adjourned at 8:35 PM.

Respectfully submitted,
Tracy Lambie, Secretary