

WAYNE COUNTY PLANNING BOARD  
MINUTES  
May 28, 2008

Chairman John Zornow called the May meeting of the Wayne County Planning Board to order at 7:04 p.m. in the Court House in Lyons, New York.

Present: Steve Buisch, Nelson Cook, Leroy Hollier, Larry Ruth, Jim Switzer, Ron Thorn, Ken VandeWalle, John Zornow

Staff: Bret DeRoo and Susan Pullen

Guests: Doug Anderson (APD Engineering), Kim Thompson (Bergmann Engineering), Tim Manzella (PB2Architecture) – Wal-Mart; Scott Converse, Pegeen Swiatek (Sand Hill Subdiv)

**MINUTES**

Motion made by Mr. Switzer to Approve the April minutes. Seconded by Mr. VandeWalle. Motion Carried.

**ZONING AND SUBDIVISION REFERRALS**

Wal-Mart, 6788 Route 31, V. Newark 5/08-59  
Preliminary Site Plan, Tax Map Ref. No: 69111-00-343248, 253216, 345192, 326292

Referral to amend the conceptual/preliminary site plan to construct 56,292 sq. ft. addition to the existing store. The total building would be 149,780 sq. ft. Kim Thompson indicated that Wal-Mart opted for downsizing the Newark Store. Mr. Anderson stated there would be the same general layout and the building elevation has changed. At the rear of the building will be one loading dock, with truck traffic the same. Landscaping is the same. The existing traffic pattern will be maintained, but the driveway would be widened to 2 lanes of access and egress to the light. There was much discussion about left and right arrows, and a median to separate the traffic lanes. There is a low point/flooding in the entrance and they propose elevating the roadway to alleviate the problem. In answer to maintenance questions, he stated that Wal-Mart would maintain the catch basins and the State would maintain the swales. Also on the plan is a sidewalk to Route 31 in case future sidewalks are provided on the main highway. Mr. Zornow discussed the need for a traffic solution, possibly a light, at the adjoining Arcadia plaza. There have been many accidents at that exit. Mr. Anderson did not know of any plans for that exit but would like to see traffic funneled from the adjoining plaza to the traffic light at the Wal-Mart exit. There would still be an emergency access to Blue Cut Road with a crash gate, as requested by the Fire Dept. This would be a gravel road and would be plowed by Wal-Mart and the landowner. The build-out would be done in two phases, taking advantage of the summer months for landscaping and parking lot work and following up with building construction in early winter.

Motion made by Mr. Switzer for approval with the following condition and suggested modification: 1) storm water and erosion and sediment control measures must meet Phase II NYSDEC regulations and 2) the Planning Board suggested that a median should be included in the design and used to provide separation between the driveways's opposing traffic lanes. Seconded by Mr. Ruth. Motion Carried.

Converse Body Shop, Valley Drive, T. Rose  
Special Permit, Tax Map Ref. No: 74114-00-420812

5/08-56

Referral to construct a pole barn and open an auto body repair and paint shop. This is a 20 acre parcel, zoned A5A. Applicant will use 1 acre for the 40x60' building and farm the rest of the land. Valley Road is a seasonal road. The area is a mixture of uses, i.e. agricultural, commercial, and residential. There is a mini storage facility at the corner of Valley and Route 414. Mr. Converse manufactures fiberglass panels for race cars and ships them all over the country. He has worked out of a building at his residence for many years and would like to have a commercial space for his enterprise. He is the sole owner/operator. He indicated the town wants buffering and a chain link fence around the building. In Rose the special permit goes with the owner, but they can also put time lines of 3 or 5 years on the permit.

Motion made by Mr. Ruth for approval with the following conditions: 1) outside storage should be limited and 2) hazardous/toxic materials should be properly disposed of. Seconded by Mr. VandeWalle. Motion Carried.

Local Law – Coastal Erosion, T. Huron  
Amendment to Text

5/08-67

As stated in the SEQR form, the Coastal Erosion Hazard Law, Local Law #1 of 2002, would be amended to clarify ambiguities so that all additions to structures are classified as a regulated activity, and the only non-major additions allowed in the beach and nearshore areas are open-air decks, and not other non-major additions. This ensures that the law is at least as strict as state regulations.

Motion made by Mr. Switzer for approval with the condition that the Town attorney reviews and approves the local law. Seconded by Mr. VandeWalle. Motion Carried.

Local Law – Sign Regulations, T. Huron  
Amendment to Text

5/08-68

The language was borrowed from regulations in several other towns. The intent of the law is good and the proposals caused them to look at their sign regulations.

Motion made by Mr. Buisch for approval with the following conditions: 1) the Town attorney should review and approve the Local Law and 2) the text should be reviewed and modified to be more easily understood. The Board supported the purpose of the Sign Regulations, but did recommend that they should be changed to be more "user friendly". As an example, some of the definitions should be re-written to clarify their meaning. Seconded by Mr. Cook. Motion Carried.

Mural Regulations, V. Lyons  
Amendment to Text

5/08-66

Amend the zoning law to add mural regulations. These regulations are similar to what was seen in Clyde. Murals would be allowed by special permit. Murals must be maintained, mounted appropriately on buildings and are the responsibility of the building owner.

Motion made by Mr. Ruth for approval with the condition that the Village attorney reviews and approves the zoning law modification. Seconded by Mr. Cook. Motion Carried.

Brian Caler, 1345 Canandaigua Road, T. Macedon  
Preliminary/Final Subdivision Plans, Tax Map Ref. No: 62111-00-348500

5/08-53

Referral for a 2 lot subdivision. The intent is to split the parcel, keep the existing home and convey the rest of the land (approx 2 acres) to a neighboring property owner. There is a flood zone on the property.

Motion made by Mr. Switzer for approval with the suggestion that the property owners are made aware that their land appears to be near or possibly contain both national wetland and FEMA flood zone area/s. Seconded by Mr. VandeWalle. Motion Carried.

Thomas Littlefield, 2177 Quaker Road, T. Macedon  
Prelim/Final Site Plan and Subdivision Plan, Tax Map Ref. No: 63111-00-529920

5/08-54

Referral for a 2 lot subdivision of 77 acres. There will be a split of 1.276 acre with the farmstead. The remaining acreage would be for a single family residence. There is a 20' access for farming the parcel. Site distance is approx 412' and 700'.

Motion made by Mr. Switzer for approval with the following conditions: 1) driveway sight distances should meet American Association of State Highway Transportation Officials (AASHTO) recommendations, 2) storm water and erosion and sediment control measures must meet Phase II NYSDEC regulations should 1 acre or more soil be disturbed by the development, with particular attention given to the proposed driveway for Lot No. 1 due to the steep slope (possibly use rock check dams and heavy stone rather than straw bales), 3) construction of the driveway for Lot 1 should be monitored to make sure that the final product matches the drawing detail and is acceptable to the Town Highway Department, 4) the Lot 1 emergency vehicle bypass should be made permanent (shown as "proposed" on plan) if it meets the Town's policy for providing emergency vehicle access and 5) proposed Lot 2 should be left with enough land to provide a septic system that will meet NYS Department of Health regulations should an upgrade ever be needed. Seconded by Mr. Ruth. Motion Carried.

Zoning Code, T. Ontario  
Amendment to Text

5/08-49

Referral to amend the town zoning code, making changes with respect to alternative energy systems, fences, utility sheds, duration of site plan approvals and bulk area regulations. A summary of the outline changes was sent to the board prior to the meeting. The town has completed a major comprehensive plan and has updated zoning in the recent past. The IDA owns Harbec and wants to exchange energy between parcels. They have received a request from the IDA to allow this to happen. Windmill energy, alternative energy and biodiesel are some of the options.

The board could not take action on the referral as quorum could not met for the vote, as Mr. Switzer would abstain from voting.

Zimmerman Subdivision, East of Dean Parkway, T. Ontario  
Preliminary/Final Subdivision Plan, Tax Map Ref. No: 61117-00-340776

5/08-58

The IDA has purchased the portion of the property that is north of Route 104, approx. 46 acres. This will allow the empire zone to be expanded. The remaining property which is south of Route 104 will be retained by the current owners. There is no proposed site development at this time only subdivision approval to allow the sale of the proposed land to the IDA.

Motion made by Mr. Cook, seconded by Mr. VandeWalle for approval. Motion Carried.

Kevin Scott, 11284 Lyman Road, T. Rose  
Use Variance, Tax Map Ref. No: 74115-00-889665

5/08-55

Referral to convert an existing garage into a 3 run dog boarding kennel. Boarding would be temporary. . The property is zoned A5A. There is dense screening between Lyman Road and the garage. The house is set back from the road. There are some residential homes in the area, but it is still an agricultural community.

Motion made by Mr. Ruth for approval with the following conditions: 1) the variance should be limited to the scope of operation requested by the applicant to ensure that the kennel proposal remains compatible with the existing rural residential character of neighborhood and the Town's vision for future development, 2) any necessary NYS Department of Agriculture and Markets and USDA permits/approvals must be obtained, 3) applicable NYS Department of Agriculture and Markets and USDA kennel guidelines should be followed, 4) "operational odors" and noises should be mitigated, 5) animal waste must be properly disposed of, 6) outdoor boarding (noise mitigation) and/or storage should not be permitted, 7) the site should be developed in an aesthetically pleasing manner (through use of items such as building design and materials, landscaping and general property maintenance), 8) proper veterinary care and records should be provided, 9) driveway sight distances should meet American Association of State Highway Transportation Officials (AASHTO) recommendations and 10) the hardship criteria required to grant a use variance will need to be substantiated at the local level. The Board would ultimately like to ensure that the dogs are provided with adequate living conditions, including the space to receive daily exercise. Seconded by Mr. Buisch. Motion Carried.

Montemorano Gravel Pit, 11379 Wolcott Road, T. Rose  
Use Variance, Tax Map Ref. No: 75115-00-057618

5/08-62

Referral to operate 8.3 acre sand and gravel pit in a rural residential zoned area. This has been a working dairy farm. There is farmed land to the north. There has been gravel taken out privately. Materials will not be mined from below the water table. There is a reclamation plan to return the land to grasses and wildlife habitat. Wolcott Road is a county maintained road. There is substantial truck traffic generated already.

Motion made by Mr. Switzer for approval with the following conditions: 1) there must be NYSDEC approval of the proposed operation and reclamation plan, 2) absolutely everything possible should be done to keep petroleum and/or hazardous products from reaching the water table/supply (e.g. store equipment in a sheltered environment and on an impervious surface), 3) operational noise and dust should be mitigated at all times and 4) truck traffic should be routed to have the least impact on residential areas, 5) the Wayne County Highway Department should be contacted to obtain a driveway permit for any new haulageway and 6) the hardship criteria required to grant a use variance will need to be substantiated at the local level. Seconded by Mr. VandeWalle. Motion Carried.

Becker Subdivision, 5649 Ridge Road, T. Sodus  
Preliminary Subdivision Plan, Tax Map Ref. No: 67117-00-881854

5/08-51

Referral to sell a home on a 79' lot and merge 100' of the second lot with the house. Applicant will retain 31.3' of road frontage with 4.4 acres.

Motion made by Mr. Ruth for approval, seconded by Mr. Cook. Motion Carried.

Precision Cycle, 14645 West Bay Road, T. Wolcott

5/08-61

Special Permit, Tax Map Ref. No: 78121-00-320260

Referral to operate a motorcycle engine repair and machining shop out of an existing garage. The 13 acre parcel is zoned agricultural.

Motion made by Mr. Switzer for Approval with the following conditions: 1) outside storage should be limited, 2) hazardous/toxic materials should be properly disposed of, particularly given the site's proximity to Blind Sodus Creek, 3) hours of operation should be determined and 4) operational noise should be mitigated (e.g. motorcycles should be tested inside the garage to reduce potential sound impacts on surrounding property owners). Seconded by Mr. Ruth. Motion Carried.

The following referrals were reviewed and determined to be of no intermunicipal or countywide impact. Unless otherwise noted, motion made by Mr. Buisch, seconded by Mr. Switzer, to return these referrals to their respective town/village to be handled as local matters. Motion Carried.

Frances Fousse, 325 Ridge Road, T. Ontario 5/08-57  
Area Variance, Tax Map Ref. No: 61117-09-237578

Place shed in front of home

Sand Hill Subdivision, 3087 Sand Hill Road, T. Palmyra 5/08-60  
Final Subdivision Plan, Tax Map Ref. No: 67113-00-167690

Two lot subdivision

Motion: Mr. Switzer, Second: Mr. VandeWalle

Smith Subdivision, 4560 Maple Ridge Road, T. Sodus 5/08-50  
Preliminary Subdivision Plan, Tax Map Ref. No: 68115-00-260489

Parcel off 3 acres (with 327' road frontage) from 20 acre parcel

Diane DeWispelaere, 5607 Middle Road, T. Sodus 5/08-52  
Final Subdivision Plan, Tax Map Ref. No: 67118-00-791606

Two lot subdivision

#### OTHER BUSINESS

Local laws, comprehensive plans It was decided that Bret would ask the towns/villages to submit executive summaries for local laws and comprehensive plans. These summaries will be sent to the board members in their meeting packets.

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

Respectfully submitted,

Susan Pullen  
Secretary

