

WAYNE COUNTY PLANNING BOARD
MINUTES
June 25, 2008

Vice Chairman Jim Switzer 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: Nelson Cook, Monica Deyo, Scott Gregg, Steve Guthrie, Leroy Hollier, Larry Lockwood, Doc Malchoff, Kevin Rooney Jim Switzer, Ron Thorn, Ken VandeWalle

Staff: Bret DeRoo and Susan Pullen

Guests: Doug Anderson (APD Engineering), Kim Thompson (Bergmann Engineering) Wal-Mart; Daniel VanAtta, Jeff Montemorano, Gary Buckalew, Karl Sheen

MINUTES

Motion made by Mr. Cook to Approve the May minutes. Seconded by Mr. VandeWalle. Motion Carried.

ZONING AND SUBDIVISION REFERRALS

Wal-Mart, 6788 Route 31, V. Newark 6/08-71
Final Site Plan, Area Variance, Tax Map Ref. No: 69111-00-343248, 253216, 345192, 326292

Referral for a parking variance and final site plan for the addition. The size of the building has been reduced by 25,000 sq. ft. They are now requesting 770 parking spaces, where 937 are required. Changes to the plan since last month's submission are: reducing noise from loading delivery trucks and cooling fans to the rear of the building, a landscape berm adjacent to the loading dock at the rear of the building, exterior lighting to be dark sky compliant, 3 additional handicap parking spaces at the garden center, and a 5' center median at the main entrance to Rt. 31. There will still be access to the adjoining Arcadia Plaza. Timeline is to start in the fall, with a year for construction.

Motion made by Mr. Guthrie for approval of the final site plan. The area variance was determined to be of no county impact with the condition that the hardship criteria required to grant the variance are met at the local level. Seconded by Mr. VandeWalle. Motion Carried.

Dan's Auto of Williamson, 1130 Route 104, T. Ontario 6/08-81
Special Permit, Tax Map Ref. No: 62117-00-242651

Referral to operate a garage. This is a commercial use in a business zone. There have been similar types of businesses at this location previously. Mr. VanAtta was present and indicated he will be buying the building. He plans to operate the business Monday-Friday, with ½ day on Saturday as needed. Hours would be 8 AM to 6 PM. He said 90% of the parking would be behind the building.

Motion made by Mrs. Deyo for approval with the following conditions: 1) hazardous/toxic materials should be properly handled and disposed of, 2) there should be no visible outside storage of parts and 3) the site and building should be well maintained given the parcel's location on the highly traveled NYS Rt. 104. Seconded by Mr. Malchoff. Motion Carried.

Montemorano Gravel Pit, Travell-Knapps Corners Road, T. Galen 6/08-76

Special Permit, Tax Map Ref. No: 72113-00-463521, 666423, 671530, 843541

Referral to expand an existing gravel mining operation of 35 acres. This will expand the life of the mine operation 25 years. Mr. Montemorano was present and stated truck traffic would not change and the haulageways would stay as it. There may be new haulageways in the next 10 years or so. Montemoranos haul their own material and do a lot of sand and gravel deliveries. They keep the speed of the trucks in check and can act on neighborhood concerns quickly. DEC inspections are routinely done every couple of years.

Motion made by Mr. Malchoff 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, particularly if adjacent landowners become impacted, 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) all haulageway/driveway sight distances should meet American Association of State Highway Transportation Officials (AASHTO) recommendations. Seconded by Mr. Gregg. Motion Carried.

Gary Buckalew. 13458 Ridge Road, T. Wolcott
Special Permit, Tax Map Ref. No: 77117-00-635421

6/08-79

Referral to operate a welding/machine shop in the former Grace Foods building. The use would change from mercantile to factory. Mr. Buckalew was present and stated he is moving his business from the Town of Rose, due to expansion. He wants to buy the whole building and lease space to other companies. There would be no offsite noise at his business and some truck traffic. There is public water and a septic system. He has 3-4 employees.

Motion made by Mr. Guthrie for approval with the following conditions: 1) hazardous/toxic materials should be properly handled and disposed of, 2) there should be no visible outside storage of parts and 3) the site and building should be well maintained given the parcel's location on Ridge Road (the Seaway Trail). Seconded by Mr. Rooney. Motion Carried.

Schmucker's Kennels, 10169 Turnpike Road, T. Galen
Special Permit, Tax Map Ref. No: 73110-00-538182

6/08-75

Referral to operate a breeding kennel for up to 32 dogs. Applicant was before the board in June 2005 for a variance to sell sheds. There are two 12x20' buildings, with a 6' room between them where there is a wood stove. He does have a current USDA license. The humane society has concerns about styles of animal care. The USDA and Ag & Markets can do inspections. As this is a special permit, the code officer can monitor yearly.

Motion made by Mr. Guthrie for approval with the following conditions: 1) any necessary NYS Department of Agriculture and Markets and USDA permits/approvals must be obtained, 2) applicable NYS Department of Agriculture and Markets and USDA kennel guidelines should be followed, 3) "operational odors" and noises should be mitigated, 4) animal waste must be properly disposed of, 5) outdoor boarding (noise mitigation) and/or storage should not be permitted, 6) 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), 7) proper veterinary care and records should

be provided to the Town, 8) there should be periodic inspections of the facility by either federal and/or local officials and 9) driveway sight distances should meet American Association of State Highway

Transportation Officials (AASHTO) recommendations. 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. Cook. Motion Carried.

Local Law NCD Zoning Revisions, T. Macedon
Amendment to Text

6/08-72

Referral to update the New Community Development standards within the zoning code to match current expectations of development in the town. This code has been intact, but was loosely written to accommodate developers.

Motion made by Mr. Guthrie for approval with the condition that the Town Attorney reviews and approves of the Local Law. Seconded by Mr. VandeWalle. Abstained: Mr. Rooney. Motion Carried.

Hogo Subdivision, 2431 Magog Road, T. Macedon
Final Site Plan, Final Subdivision Plan, Tax Map Ref. No: 63111-00-847154

6/08-73

Referral for a one lot subdivision (3 acres) from a 13 acre parcel. There are national and state wetlands on the property.

Motion made by Mr. Guthrie for approval with the following conditions: 1) apparent on-site National and NYSEDC wetlands should be delineated and then avoided/mitigated and 2) the site (driveway) should be designed to provide emergency vehicle access, particularly given the distance from the road to the house (~460'). Seconded by Mr. Gregg. Abstained: Mr. Rooney. Motion Carried.

Richard Deys, 1208 Route 31F, T. Macedon
Area Variance, Tax Map Ref. No: 62112-06-340813

6/08-83

Referral to operate a public market on a substandard lot. The use is allowed in an Ar-40 zone, but the lot size is too small. The Historical Society owns the property and the applicant would rent from them. The market would be open Saturdays only. The speed limit is 35 mph on the road, but there were questions regarding parking on the roadway, site distances and proximity to the intersection.

Motion made by Mr. Malchoff for Denial, as there was no site plan detail illustrating building location, parking area or ingress/egress. The Board would like to support the proposed business, but without this information and given the traffic volumes on NYS RT 31F, there were unanswered questions regarding public safety issues. Seconded by Mr. VandeWalle. Abstained: Mr. Rooney. Motion Carried.

Mark Graf, Macedon Center Road, T. Macedon
Prelim/Final Site and Subdivision Plan, Area Variance, Special Permit

6/08-84

Referral to construct a single family home and pole barn for a landscaping business. The variance is needed to build the barn before the house. The residence would be 450' off the road. The barn would be approx. 1400' from the road. The applicant's business plan was sent to the board for review. The buildings would not be visible from the road. There are wetlands on the northern portion of the parcel. The driveway is along the eastern property line.

Motion made by Mr. Guthrie for approval of the Special Use Permit and Preliminary/Final Site and Subdivision Plan with the following conditions: 1) the scope of business remains as written in the applicants' April 09, 2008 letter of intent, 2) driveway sight distances should meet American Association

of State Highway Transportation Officials (AASHTO) recommendations, 3) 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 due to the steep slope (possibly use rock check dams and heavy stone rather than straw bales), 4) driveway construction should be monitored to make sure that the final product matches the drawing detail and is acceptable to the Town Highway Department, 5) a driveway permit should be obtained from the Wayne County Highway Department, 6) emergency vehicle access should be provided for to the proposed house and barn (particularly given the great distance between the road and barn, approx. 1,400'), 7) hazardous/toxic materials must be properly handled and disposed of and 8) the applicants should be aware that there appears to be a National wetland on the northern portion of this parcel. The area variance was determined to be of No County Impact, provided that the hardship criteria required to grant the variance are met at the local level. Seconded by Mr. Gregg. Abstained: Mr. Rooney. Motion Carried.

Cingular Wireless, 3673 Mill Street, T. Marion
Special Permit, Tax Map Ref. No: 64114-00-822305

6/08-69

Referral to add 3 antennae to an existing cell tower. This is a 196' self-supporting tower and the antennas are proposed at 192'.

Motion made by Mr. Rooney for approval with the condition that all applicable federal, state and local regulations are met. Seconded by Mrs. Deyo. Motion Carried.

B&R Auto, 145 Route 104, T. Ontario
Special Permit, Tax Map Ref. No: 61117-00-005592

6/08-80

Referral to obtain a dismantler's license for an existing vehicle sales business. A state license is required.

Motion made by Mrs. Deyo for approval with the following conditions: 1) hazardous/toxic materials should be properly handled and disposed of, 2) there should be no outdoor storage of parts and 3) the site and building should be well maintained given that this area serves as a gateway to the Town and County and is easily visible from the highly traveled NYS Rt. 104. Seconded by Mr. Rooney. Motion Carried.

Vision Plan, T. Ontario
Amendment to Text

6/08-82

Referral to adopt a plan developed for the downtown revitalization including strategies and goals with action items. The plan was sent to the board members for review. The town will apply for Main Street grant money to do upgrades.

Motion made by Mrs. Deyo for approval, seconded by Mr. Gregg. Motion Carried.

Raymer Subdivision, 7017 Route 14, T. Sodus
Preliminary Subdivision Plan, Tax Map Ref. No: 71118-00-037545

6/08-70

Referral for a 3 lot subdivision of 5+ acres. The lot sizes are 1.5, 1.25 and 2.8 acres.

Motion made by Mr. Rooney for approval, seconded by Mrs. Deyo. Abstained: Mr. Malchoff. Motion Carried.

Fields Crossroads Subdivision, 3791 Boynton Road, T. Walworth 6/08-77
Prelim/Final Site and Subdivision Plans, Tax Map Ref. No: 63114-00-951550

Referral to subdivide a lot into 2 lots. This was previously reviewed by the board in October 2006 as a 9 lot subdivision. The town will not allow access to Route 441.

Motion made by Mr. Rooney for approval with the condition that the Walworth-Marion Rd. frontage should only be used to provide utilities if necessary, but not driveway access. Seconded by Mr. Guthrie. Motion Carried.

Gananda Senior Apartments, Canandaigua Road, T. Walworth 6/08-78
Prelim/Final Site and Subdivision Plans, Tax Map Ref. No: 62114-00-162129

Referral for a 62 unit senior living facility on a 4 acre parcel. These will be 3-story buildings with 1 or 2 bedrooms. There will be a community room on each floor. The area is zoned PUD (Planned Unit Development) and coincides with the town's master plan. A second phase will be built if the first one is filled to capacity. A senior citizen housing unit would not overtax the school system. However, the West Walworth Fire District has only one ambulance for 3 fire districts. The county has put an ALS unit in Walworth.

Motion made by Mrs. Deyo for approval with the following conditions: 1) driveway sight distances should meet American Association of State Highway Transportation Officials (AASHTO) recommendations and 2) storm water and erosion and sediment control measures must meet Phase II NYSDEC regulations when 1 acre or more soil is disturbed by the development. The Board did question if future plans for the remainder of land are known. Seconded by Mr. Rooney. Motion Carried.

Karl Sheen, V. Clyde
Informal Review

Mr. Sheen came before the board with a concept plan for an apartment house in the Village of Clyde. This was an 8 unit building that fell vacant before he bought it. It is in an R-2 district where only a 2 family unit is allowed. He was asking what the board would want to see when/if he pursues the project. He was advised adequate parking for tenants, enclosed trash receptacles, fire regulations with sprinklers and exits, impact on neighborhood, on-site maintenance were all factors he should consider. It was suggested he research the square footage of other apartments in the village vs. the size of his apartments. He was also told he would need to meet hardship criteria at the village level.

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

Edwin Pendleton, 7471 East Bay Road, T. Huron 6/08-74
Area Variance, Tax Map Ref. No: 73119-00-398110

Divide the parcel, creating a substandard lot. Abstained: Mr. Lockwood

OTHER BUSINESS

Exempt Agreement

The planning department has an exempt agreement with the towns and villages to eliminate the need for county review of certain local zoning and subdivision actions that do not have intermunicipal or countywide impacts, such as pool setbacks, sheds, garages, etc. With the number of murals that are being planned county-wide, we would like to add murals to the list. Any modifications to the exempt referral must go to the county attorney for review.

There being no further business, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Susan Pullen
Secretary