

## WAYNE COUNTY PLANNING BOARD

### MINUTES

January 27, 2010

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

**Present:** Steve Buisch, Monica Deyo, Steve Guthrie, Leroy Hollier, Dave Leroy, Larry Lockwood, Kevin Rooney, Larry Ruth, Jim Switzer, Ron Thorn, Ken VandeWalle, John Zornow.

**Staff:** Bret DeRoo, Tracy Lambie

**Guests:** Andy Hart - Bergmann Assoc. (ABVI Goodwill), Bill L Haynes (Midland Asphalt), Jim MacKecknie - LU Eng. (Midland Asphalt), Scarlett Miles (Palmyra wind turbine), David Wipf (Palmyra wind turbine), Court Rutherford (installer - Palmyra wind turbine), Tully Pastore (Palmyra wind turbine), Ken Miller - Town of Palmyra Supervisor, Larry Heninger – Alloco (Eastland Valley Apts. Newark)

### MINUTES

Motion made by Mr. Switzer to approve the December 2009 minutes. Seconded by Mr. VandeWalle. Motion carried.

### ZONING AND SUBDIVISION REFERRALS

ABVI Goodwill donation trailer 6272 Furnace Road, T. Ontario  
Site Plan Tax Map Ref. No: 63117-10-434633

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**Action** – Denial

**Motion** – Mr. Switzer

**Second** – Mr. Hollier

**Motion carried**

#### **Additional Comments:**

The Board felt the proposed drop-off location would negatively impact on-site traffic patterns thereby creating a public safety concern. It appears that the area now proposed to site a structure for drop-offs is adjacent to an existing commercial truck delivery area. The Board did not feel the drop-off traffic and commercial truck traffic would be compatible. It is also necessary to keep those traffic lanes open for emergency access. The Board also encourages any development to be aesthetically pleasing as the parcel is located on the highly traveled NYS Rt. 104.

Midland Asphalt Materials Inc., Cole Road, V. Lyons  
Final Site Plan, Tax Map Ref. No: 71111-19-604230

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Referral is to add another 450,000 gallon tank, warehouse and asphalt facility to make Polymer Modified Asphalt Cement (PMAC).

**Action** – Approve with Conditions

**Motion** – Mr. Rooney

**Second** – Mrs. Deyo

**Motion carried**

**Conditions:**

- 1) all applicable federal, state (NYSDEC Bulk Petroleum Storage permit?) and local regulations are met (with particular attention given to water and air quality provisions) and
- 2) all development should avoid on-site flood plain and national wetland areas. It appears the applicant has been in contact with the DEC regarding proposed plans (please refer to handout reflecting 1/19/10 Meeting Minutes). Preview was curious if the applicant has additional development plans.

Wind Turbine, David Wipf/Scarlett Miles, 1872 State Route 21, T. Palmyra  
Special Permit, Tax Map Ref. No: 65112-00-202140

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**Action** – Approve with Conditions

**Motion** – Mr. Guthrie

**Second** – Mr. Leroy

**Motion carried**

**Conditions:**

The turbine fall zone is entirely contained on the applicant's property (which it appears to be). The Town of Palmyra Zoning Law makes provision for removing the tower when its use is terminated.

Eastland Valley Apartments, 6571 Blue Cut Road, V. Newark  
Final Site Plan, Tax Map Ref. No: 69111-00-009024

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Referral is to construct first of 4 new apartment bldgs.

**Action** – Approve with Conditions

**Motion** – Mr. Switzer

**Second** – Mr. Rooney

**Motion carried**

**Conditions:**

- 1) emergency vehicle access should be planned and provided for all four phases of development (e.g. turnarounds should be considered) and
- 2) soil conditions must be appropriate for the proposed foundation/building and
- 3) garbage disposal area/s should be delineated on the site plan.
- 4) should be dealt with at local level with fire department and other emergency services participation

Pyramid Network services. 10000 Lummisville Road, T. Huron  
Area Variance, Special Permit, Final Site Plan, Tax Map Ref. No: 73118-00-305126

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Referral is for cell tower 195 ft tall where 150 ft allowed

**Action** – Approve with Conditions

**Motion** – Mr. Guthrie

**Second** – Mr. Buisch

**Abstention** – Mr. Lockwood

**Motion carried**

**Conditions:**

- 1) the tower fall zone should be completely contained on the parcel,
- 2) the applicant should provide adequate funds for decommissioning the tower and
- 3) a master plan for future tower sites throughout Huron should be requested.

**Additional comments:**

Wayne County Planning Board developed a set of recommendations for local municipalities to consider when reviewing the increasing numbers of cellular tower applications. These recommendations are as follows.

1. Require carriers to set aside a fund to be used in the event that the tower cannot be removed by the applicant. This will protect each municipality from corporate events such as bankruptcy and divestiture, as well as tower obsolescence.
2. Establish design standards for cellular towers that require each tower to have the ability to accommodate at least two additional carriers.
3. Consider amending zoning laws to designate specific sites for tower location.
4. Adhere to SEQR closely, insuring that proper environmental reviews are conducted.
5. Exhaust all available alternative sites, including the use of existing structures, prior to approval of any application.
6. Require carriers to provide a master plan for the development of proposed tower sites throughout your municipality, prior to the approval of any additional applications.
7. A detailed proposal should be provided to the Town concerning mitigation of visual and aesthetic impacts.

The Board discussed the importance of procedural compliance with SEQR and encourages close communication with your municipal attorneys to limit any procedural errors as much as possible.

James Pacello car wash, 17-23 State Route 31, V. Lyons  
Special Permit, Final Site Plan, Tax Map Ref. No: 70111-12-865558

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**Action** – Denial

**Motion** – Mr. Guthrie

**Second** – Mr. Zornow

**Opposed** – Mr. Lockwood

**Motion carried**

**Reasons for denial:** Due to additional access to highway, suggest using existing accesses.

**Additional Comments:**

Board would like to see better overall use of lot before adding onto. If referral were to be brought back, the following would be required:

- 1) all applicable NYS and local regulations must be met regarding the car wash wastewater system,
- 2) stormwater and erosion and sediment control measures must meet Phase II NYSDEC regulations should 1 acre or more soil be disturbed by the development,
- 3) a NYS department of Transportation work permit must be obtained for the proposed NYS Rt. 31 driveway and
- 4) the site should be developed in an aesthetically pleasing manner (through use of landscaping, use of building design/ materials, screening etc.) as the parcel is located on the highly traveled NYS Rt. 31 (Canal Corridor).

Additional note to town board - discuss internal structure of parcel. Board doesn't want additional curb cut to highway. Next parcel to west (Kehoe) – if ever developed possibly use combined curb cut to split to both properties.

Town of Williamson Comprehensive Plan  
Amend Text

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**Action** – Approve with Conditions

**Motion** – Mr. Switzer

**Second** – Mr. Zornow

**Motion carried**

**Conditions:**

Approve with the condition that the Town attorney reviews and approves the Comprehensive Plan.

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

**Motion carried**

Principio Dockage, 8522 Greig Street, V. Sodus Point.  
Special Permit, Tax Map Ref. No: 71119-18-466141

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As a note, the Towns of Huron and Sodus and the Village of Sodus Point are working on a Sodus Bay Harbor Management Plan (“Master Plan for water use”).

400 ft dock in total. 200 ft floating, 200 ft fixed. Does not extend farther into bay. Has 2 lanes access Greig St. Has parking space for all slips. Plans are not showing space for trailers, only cars. Everything meets code.

Jamie & Suzanne Wolcott (Jordan), Magog Road, T. Macedon  
Preliminary Site Plan, Final Site Plan, Tax Map Ref. No: 63111-00-847154, 63111-00-8914162

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Merge and resubdivide two parcels and residence. Recommended NCI of the Prelim/Final Site and Subdivision Plans provided that:

- 1) emergency vehicle access has been planned for and
- 2) the applicant is aware that NYS DEC and national wetlands appear to be located on a portion of both proposed lots (should they be shown on the plan?).

Lakeland Equipment, 185 Route 31, T. Macedon  
Area Variance, Tax Map Ref. No: 61112-00-065930

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New ground sign, 2nd sign on bldg. Recommended NCI of the area variances provided that:

- 1) the hardship criteria required to grant the variance are met at the local level and
- 2) the size of each proposed sign should be consistent with other signs found in similar “neighborhoods” or commercial zones.

Ameele Subdivision, 4552 Hall Center Road, T. Marion  
Final Subdivision Plan, Tax Map Ref. No: 64115-00-345512

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Separate house/farm. Recommended NCI of the Final Subdivision Plan provided that the proposed lot is large enough to construct a septic system that will meet NYS Department of Health regulations. Preview also questioned if a larger parcel area should be considered for subdivision (e.g. 5 acres) to provide enough space for ag-related/”country living” uses (e.g. horse boarding).

Elizabeth Maynard, 4063 Electronics Road, T. Marion  
Preliminary Subdiv. Plan, Final Subdiv. Plan, Tax Map Ref. No: 65116-00-811230

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Separate house/land. Recommended NCI of the Prelim./Final Subdiv. Plan. provided that the proposed lot is large enough to compensate a septic system that will meet NYS Department of Health regulations. Preview also questioned if a larger parcel area should be considered for subdivision (e.g. 5 acres) to provide enough space for ag-related/”country living” uses (e.g. horse boarding).

Red Fox Run, Michael Green, Red Fox Circle, T. Walworth

Prelim. Site Plan, Final Site Plan, Tax Map Ref. No: 61116-00-834728, 61116-00-845727

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Combine 2 parcels. Recommended NCI with suggestion that national wetland and FEMA flood zone areas that appear to impact the parcel should be illustrated on the site plan.

Harding Site Plan, 3350 Daansen Road, T. Walworth

Prelim. Site Plan, Final Site Plan, Tax Map Ref. No: 64114-00-146002

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Private residence site plan.

**OTHER BUSINESS:**

2009 training review

2010 training, Space available – 50 spaces each.

Question was asked by alternate to Savannah how to renew term. Town Supervisor recommends, County Board appoints, 3 year term.

There being no further business, the meeting was adjourned at 8:23 PM

Respectfully submitted,

Tracy Lambie, Secretary