

**WAYNE COUNTY PLANNING BOARD**  
**MINUTES**  
January 29, 2014

Chairman, Dave LeRoy 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, Ken Burgess, Steve Guthrie, Bob Hutteman, Matt Krolak, Dave LeRoy, Mike Melino, Larry Ruth, Mike Schuth, Ron Thorn, Ken VandeWalle

Staff: Bret DeRoo, Tracy Lambie

Guests: Dan Blamowski (Tim Horton's), James Wedman, Eric Schaaf (Advance Auto), Bob Cantwell (BME, Capital Hill), Michael Millner (Capital Hill)

**DECEMBER 2013 MINUTES**

**Action** — Approve

**Motion** — Mr. Buisch

**Second** — Mr. Hutteman

**Abstention** — Mr. Ruth

**Motion carried**

**ZONING AND SUBDIVISION REFERRALS**

**Advance Auto Parts, 1971 Route 104, T. Ontario**

Special Permit / Preliminary / Final Site Plan Tax Ma. Ref. No. 63117-10-298699

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Auto supply store. Eric Schaff from Marathon presented.

**Action** — Approve with Comments

**Motion** — Mr. Guthrie

**Second** — Mr. Ruth

**Opposed** —

**Abstention** — Mr. Melino

**Motion carried**

**Comments:**

- 1) the proposed building and site should be developed in an aesthetically pleasing manner (i.e. through use of building design/materials, landscaping, screening, etc.) as the parcel is located on the highly traveled NYS Rt. 104,
- 2) a Wayne County Department of Public Works (Highway Department) driveway permit must be obtained for the proposed Knickerbocker Road driveway,
- 3) any/all necessary NYS Department of Transportation permits must be obtained (e.g. NYS Department of Transportation Highway Work Permit for the proposed NYS Rt. 104 driveway),
- 4) toxic/hazardous materials should be properly stored, handled and disposed of and
- 5) stormwater management and erosion and sediment control plans must meet Phase II NYS Department of Environmental Conservation regulations (attention should be given to ensuring that the existing stormwater management system is capable of handling the proposed use).

**Capital Hill, Wayneport Road/Carlson Lane, T. Macedon**

Preliminary Site / Subdivision Plan — All sections, Final Subdivision Plan — Section 1, Tax Map Ref. No. 61111-00-157591, 61111-00-186684

Section 1— 24 single family lots, Section 2 — 33 Townhomes/Community Clubhouse, Section 3 — 39 Townhomes, Section 4 - +/- 90 Assisted living units, Section 5 - +/- 25,200 sq. ft. Office/commercial

**Action** — Approve Section 1 Final Subdivision with Comments

**Motion** — Mr. Ruth

**Second** — Mr. Melino

**Opposed** — Mr. Guthrie

**Abstention** —

**Motion carried**

**Action** — Approve All Sections Preliminary Site / Subdivision with Comments

**Motion** — Mr. Melino

**Second** — Mr. Burgess

**Opposed** — Mr. Guthrie, Mr. Buisch, Mr. Ruth

**Abstention** —

**Motion carried**

**Comments:**

- 1) proposed development should be implemented in a manner that helps it remain compatible with existing land uses and also maintain the relation between residential and non-residential uses (i.e. through use of building design/materials, buffering/landscaping, berms etc.),
- 2) all proposed roads should be developed in a manner that meets town code and therefore emergency service vehicle requirements,
- 3) consideration should be given to making "Royal Lee Blvd" a dedicated town road. The Board felt a dedicated road (rather than private) would provide the best long term access/public safety solution given the density and types of development proposed in Section Two (33 Townhomes and Community Clubhouse) and Section Three (39 Townhomes). They had a specific concern that Royal Lee Blvd, as proposed (width) and without another outlet, could potentially be blocked in an emergency situation and therefore delay emergency services,
- 4) the Wayne County Public Works Department (Highway Department) should be contacted to ensure that Wayneport Road will compensate the traffic that will be generated given all five sections of this development and
- 5) the Town should consider how the total proposed development will impact community/public facilities and services (e.g. school, public safety, water, sewer, stormwater management etc.).

**Local Law No 1 of 2014, T. Huron**

Amend Text

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Amendment prohibiting high volume hydraulic fracturing

**Action** — Approve with Comments

**Motion** — Mr. Ruth

**Second** — Mr. Burgess

**Opposed** —

**Abstention** —

**Motion carried**

**Comments:**

- 1) the proposed zoning amendment 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 amendment.

**Tim Horton's, 470 Sampson Drive, T. Macedon**  
Area Variance, Tax Map Ref. No. 61111-00-386763

7 signs requested where 2 allowed.

**The following referral was reviewed and determined to be of no intermunicipal or countywide impact:**

**Action** — Return to Town to be handled as a local matter

**Motion** — Mr. Buisch

**Second** — Mr. Guthrie

**Opposed** —

**Abstention** —

**Motion carried**

**Comments:**

- 1) the hardship criteria that are required to grant the area variances should be substantiated at the local level.

**Richard Franco, 153 Lake Road, T. Ontario**

Use Variance / Final Site Plan Tax Ma Ref. No. 61119-00-020267

grocery store, service station, gas, automotive repair, automobile supply sales, prepared foods, convenience mart

**Action** — Disapproval with Comments

**Motion** — Mr. Guthrie

**Second** — Mr. Ruth

**Opposed** —

**Abstention** — Mr. Melino

**Motion carried**

**Comments:**

- 1) Consider 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 does suggest that consideration should be given to modifying the proposal, possibly by reducing the number of requested uses (e.g. grocery store without automotive repair). There may be an opportunity to minimize the variance, encourage a business that could be compatible with surrounding land uses and traffic flows, and reuse an existing building.

**Summer Lake Subdivision, Misty Way, T. Ontario**

Preliminary / Final Subdivision Plan, Preliminary / Final Site Plan, Tax Map. Ref. No. 61119-15-578390

**Action** – Approve with Comments

**Motion** – Mr. Ruth

**Second** – Mr. Hutteman

**Opposed** –

**Abstention** – Mr. Melino

**Motion carried**

**Comments:**

- 1) future plans for the remaining acreage/sections should be confirmed, including maintenance/ownership plans for the conservation areas and

- 2) stormwater management and erosion and sediment control measures must meet Phase II NYS Department of Environmental Conservation regulations.

**Local Law No 1 of 2014, T. Walworth**

Amend Text / Amend Map

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**Action** – Approve with Comments

**Motion** – Mr. Guthrie

**Second** – Mr. Melino

**Opposed** –

**Abstention** – Mr. Ruth

**Motion carried**

**Comments:**

- 1) the proposed rezoning 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 amendments.

**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. VandeWalle

**Second** – Mr. Burgess

**Abstention** –

**Motion carried**

**Alan Young Subdivision, 6799 Sergeant Road, T. Sodus**

Preliminary Subdivision Plan, Tax Map, Ref. No. 70118-00-870277

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Subdivide 2.24 acres

**Comments:**

- 1) the proposed lots 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,
- 2) the proposed lots should be configured with enough area to contain an existing and/or construct a new driveway that will meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) future plans (if any) for the total acreage should be considered and
- 4) the property owner/s should be aware that portions of the parcel may contain (or be near) both National wetland (mapping available online at (<http://www.fws.gov/wetlands/Wetlands-Mapper.html>) and NYS Department of Environmental Conservation designated wetland areas (mapping available online at <http://www.orthos.dhSES.ny.gov/>) and any planning/development should be done in accordance with applicable regulations.

**School House Road Subdivision, 4952 School House Road, T. Walworth**

Preliminary / Final Subdivision, Preliminary Site Plan, Tax Map, Ref. No. 61116-00-977005

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2 lot subdivision, Lot R1A - 4.195 acres, Lot R1B - 1.805 acres - residential site plan, construct new house on Lot 1RA

**Comments:**

- 1) the proposed lots 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,

- 2) the proposed lots should be configured with enough area to contain an existing and/or construct a new driveway that will meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) future plans (if any) for the total acreage should be considered and
- 4) the property owner/s should be aware that portions of the parcel may contain (or be near) both National wetland (mapping available online at (<http://www.fws.gov/wetlands/Wetlands-Mapper.html>) and NYS Department of Environmental Conservation designated wetland areas (mapping available online at <http://www.orthos.dhSES.ny.gov/>) and any planning/development should be done in accordance with applicable regulations.

**Betty Buchiere Estate Subdivision, 4999 Lincoln Road, T. Walworth**

Preliminary / Final Subdivision Plan, Tax Map. Ref. No. 61116-00-669048

2 lot subdivision, convey 2.57 acres to vacant parcel 61116-00-546025, 10.468 remains

**Comments:**

- 1) the proposed lots 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,
- 2) the proposed lots should be configured with enough area to contain an existing and/or construct a new driveway that will meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance and
- 3) future plans (if any) for the total acreage should be considered.

**Gerard Connor Subdivision, 6079 Ontario Center Road, T. Ontario**

Preliminary / Final Subdivision Plan, Preliminary Site Plan, Tax Map. Ref. No. 62117-00-716388

2 lot subdivision, Lot 1 - 2.073, remaining - 10.990 acres

**Comments:**

- 1) the proposed lots 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,
- 2) the proposed lots should be configured with enough area to contain an existing and/or construct a new driveway that will meet AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance and
- 3) future plans (if any) for the total acreage should be considered.

**Other Business:**

Mr. DeRoo shared with The Board a letter from Marathon Engineering responding to the Wayne County Planning Board letter regarding the Walworth Tops application that was presented at the October 2013 meeting of the Wayne County Planning Board.

There being no further business, the meeting was adjourned at 8:40 PM.

Respectfully submitted,  
Tracy Lambie, Secretary