

WAYNE COUNTY PLANNING BOARD  
MINUTES  
July 30, 2008

Chairman John Zornow called the July 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, Nelson Cook, Monica Deyo, Steve Guthrie, Larry Lockwood, Doc Malchoff, Kevin Rooney, Larry Ruth, Jim Switzer, Ken VandeWalle, John Zornow

Staff: Bret DeRoo and Susan Pullen

Guests: John Stapleton, Mark Welker, Craig Welker (Parkwood Heights), Richard Deys (Good Ole Days Farm Market), Olaf Lieberg, Tom Kimpland, MF Hannan, Al Downey

**MINUTES**

Motion made by Mr. Cook to Approve the June minutes. Seconded by Mr. Rooney. Motion Carried.

**ZONING AND SUBDIVISION REFERRALS**

Parkwood Heights, 1340 Parkwood Drive., T. Macedon 7/08-97  
Final Site Plan, Tax Map Ref. No: 62110-10-499628

Referral for 33 additional living units, additional parking garages, and an expanded dining room. This is a modification of a previous plan reviewed in 1998. Property was rezoned to TPD in 1996. There are 88 individual senior units; the 33 additional units will be added to this. All construction will blend with the original units. The addition will be completed in spring 2009. They will maintain 1 parking space per unit. Approx 1/3 of the seniors have cars so there are no problems with parking for guests. This is an independent living center with assistance through outside agencies.

Motion made by Mr. Ruth for approval of the final site plan, seconded by Mr. Switzer. Abstained: Mr. Rooney. Motion Carried.

Good Ole Days Farm Market, Richard Deys, 1208 Route 31F, T. Macedon 7/08-98  
Area Variance, Final Site Plan, Tax Map Ref. No: 62112-06-340813

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. Mr. Deys was present to talk about the site. He stated this was an old Quaker church, now called the Gathering, which has been vacant for some time. The Historical Society owns the property and the applicant would rent from them. There is a cemetery on the adjoining lot. The market would be open Saturdays only. Mr. Deys indicated this market is for local produce and crafts and it is not a flea market. He wants to keep an old style feeling to the market. His family will run the market and he has vendors committed until Christmas. The vendors will unload their products at the market and park at the Grange Hall. He has outdoor vendors to the rear of the parcel on the grass and 11 vendors inside the building. Customers can park in the driveway of the market. He anticipates 200 over a 6 hr period, 7:30 – 2 pm. Mr. Deys indicated he has equipment to handle removal of snow as needed. Discussion centered on pursuing an access point to Canandaigua Road on the west side to alleviate congestion/site problems at the intersection.

Motion made by Mr. Guthrie to return the area variance to the town to be handled as being of no intermunicipal or countywide impact, provided hardship criteria required to grant the variance are substantiated at the local level. The final site plan was approved with the condition that all parking is provided for off-street. They would also like to ensure that on-site traffic is managed so there is never a need to back out onto either Canandaigua Road or NYS Rt. 31F. Seconded by Mrs. Deyo. Abstained: Mr. Rooney. Motion Carried.

Olaf Lieberg, 8483 East Port Bay Road, T. Wolcott  
Special Permit, Tax Map Ref. No: 75120-14-375409

7/08-91

Referral to remove an existing cottage and construct a new and larger home. Dr. Lieberg owns several pieces of property, 4.5 acres, across the road. He indicated the cottage needs extensive remodeling so he would like to tear down the existing and build new. The old footprint of the cottage was 22x43'; the proposed home will be 27x47'. The lot is 200' deep. He will set the home back so as not to obstruct his neighbor's view of the water. This will be a summer home.

Motion made by Mr. Ruth for approval with the following conditions: 1) the proposed home should not obstruct neighboring property owners' view of Port Bay any more than the existing structure, 2) the septic system must meet NYSDOH regulations and 3) there should be no "on-street" parking so the road can be easily maintained. Seconded by Mr. Rooney. Motion Carried

Mike Hannan, 5006 Tellier Road, T. Palmyra  
Preliminary/Final Subdivision Plan, Tax Map Ref. No: 67112-00-129215

7/08-88

Referral to split 104 acres into 2 lots. The house, barn and outbuilding would go with 10 acres. The second lot is farmed land. The same buyer will own both lots. The subdivision of property was done for mortgage purposes.

Motion made by Mr. Guthrie for approval The Board did want to ensure that Lot 2 (96+ acres) has been configured to provide driveway sight distances that will meet American Association of State Highway Transportation Officials (AASHTO) recommendations, particularly given the parcel's development potential. Seconded by Mr. Switzer. Motion Carried.

Albert Downey, 60 Route 31, V. Lyons  
Special Permit, Tax Map Ref. No: 70111-15-733484

7/08-93

Referral to sell used cars in a former garage on property zoned commercial. Mr. Downey indicated he will not do repairs on premises and there would be no stockpiling of oil or tires. All repairs will be done at local garages. He does own the property. Mr. Downey said he would have no more 10 cars on the premises for sale at one time.

Motion made by Mr. Guthrie for approval with the following conditions: 1) hazardous/toxic materials should be properly stored, 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 Village and is easily visible from the highly traveled NYS Rt. 31 (Canal Corridor). Seconded by Mr. Ruth. Motion Carried.

Local law #5 – Outdoor Wood Stoves, T. Huron

7/08-96

Amendment to Text

Referral for a local law regulating outdoor wood stoves. The law was provided to the board for review. The wood stoves can be a problem in heavily populated areas. The stoves will not be allowed in resort areas. The biggest problem seems to be the types of items being burned, i.e. garbage.

Motion made by Mr. Rooney for approval with the following conditions: 1) the definition of “existing outdoor furnace” should be reworded possibly to “an outdoor furnace, installed and in use prior to the effective date of this local law”, 2) the last sentence of (Section 8) should be examined to determine if it is legal to deny an application for variance if the Board of Appeals does not take action within 60 days, 3) the Town Attorney should review and approve the Local Law. Seconded by Mr. Switzer. Opposed: Mr. Guthrie, Abstained: Mr. Lockwood.

Mike’s Drive In/Mike’s Liquor Store, 6200 County Line Road., T. Ontario  
Special Permit, Tax Map Ref. No: 60117-12-931548

7/08-95

Referral for a seasonal ice cream store and a liquor store. Also requested is temporary use for seasonal craft sales in the proposed liquor store until the liquor license is obtained. The existing building is large enough to accommodate two businesses. There is a wraparound driveway with access to the north side and egress to the south side. Suggest reversing traffic flow to prevent stacking of cars on Rt. 104. The ice cream sales would be 7 days a week from April – September, employing 2-5 people. The liquor store anticipates employing 5-10 people.

Motion made by Mr. Switzer for approval with the following conditions: 1) the submitted sketch plan should be modified to reverse the proposed traffic flow pattern to minimize the potential for vehicles to stack on NYS Rt. 104. The Board felt that traffic would flow more efficiently and safely if the southern driveway is used for ingress and the northern driveway is used for egress. 2) 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 Mrs. Deyo. Motion Carried.

David Stewart, 1169 Canandaigua Road, T. Palmyra  
Use Variance, Tax Map Ref. No: 64111-00-591261

7/08-87

Referral to raise chickens and hens for eggs and eating. This is a 2.97 acre parcel. He is living in the home near the road. There is a second home, currently vacant, on the parcel and a barn/garage type building. He had several kinds of animals but currently has just chickens. Code allows up to 12 chickens on 3 acres. The town has given him approval, but one neighbor has complained. Several other neighbors have no problem with the chickens as long as there are no roosters. He is raising chickens as a go green project in conjunction with his daughter’s school class.

Motion made by Mr. Lockwood to return this referral to the town to be handled as of no intermunicipal or countywide impact, provided hardship criteria required to grant the variance are substantiated at the local level. Given the agricultural/rural nature of much of the County, the Board did discuss whether it would be beneficial to manage similar, non-commercial, animal husbandry requests through special use permits. Seconded by Mr. VandeWalle. Motion Carried.

David Morrison, 2351 Lyon Road, T. Palmyra  
Use Variance, Tax Map Ref. No: 66112-00-659742

7/08-89

Referral to operate a junk yard, auto wrecking and dismantling, motor vehicle repair shop, and motor vehicle, boat, ATV and manufactured home sales. The property is the former O'Meal Tractor.

Motion made by Mr. Guthrie for Denial as many of the proposed uses would not be compatible with the surrounding rural residential neighborhood. The Board also notes that the hardship criteria required to grant the variance will need to be substantiated at the local level. Seconded by Mr. Ruth. Motion Carried.

Robert Schutt, Hanagan/Sherwood Road, T. Palmyra 7/08-90  
Final Subdivision Plan, Tax Map Ref. No: 64113-00-681979

Referral for a 3 lot subdivision. Lot 1 would have the existing house and 1.5 acres, lot 2 is vacant with 3.87 acres and lot 3 is vacant with 2.67 acres. All the lots conform to code.

Motion made by Mr. Guthrie for approval with the following conditions: 1) given the development potential, each proposed lot should be configured to provide driveway sight distances that will meet American Association of State Highway Transportation Officials (AASHTO) recommendations 2) potential buyers should be made aware that although this is a rural setting, the lots do not have enough acreage to permit certain agricultural uses (e.g. animal husbandry). Seconded by Mr. Rooney. Motion Carried.

Tim Craft, 1601 Atlantic Avenue, T. Walworth 7/08-86  
Use Variance, Tax Map Ref. No: 62115-00-802438

Referral for a firewood processing facility in a RR-1 zone. Locally the planning board is ok with the business concept but the referral must also go before the zoning board. There will be no logging on the property. Logs would be brought in to be cut. There is an existing 20' driveway easement to the existing home. This section of county road is heavily used by commercial traffic with speed limits up to 55 mph. Discussion centered on sight and stopping distances for the driveway, truck entrance signs, possibly moving the driveway farther east on the property for better sight distance.

Motion made by Mr. Guthrie for Denial as there were concerns that having a commercially used (trucks) driveway in this location will create an unsafe traffic flow problem. No information was provided that verified available sight distances, or of more importance, stopping distances. There are concerns about the stopping distance that commercial trucks will require reacting to traffic generated from the proposed wood processing operation. The Board would like to support the proposed business activity, but this location does not appear to be appropriate given existing/potential traffic generating characteristics or the Town's zoning designation. Also, the hardship criteria required to grant the variance will need to be substantiated at the local level. Seconded by Mr. Buisch. Abstained: 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. Switzer, seconded by Mr. VandeWalle, to return these referrals to their respective town/village to be handled as local matters. Motion Carried.

John Gould, 1631 Benning Road, T. Galen 7/08-92  
Use Variance, Tax Map Ref. No: 75111-00-099843

Single family home on industrially zoned property

Baseball Diamond II, Elm Street Ext., V. Lyons 7/08-85  
Preliminary Site Plan, Tax Map Ref. No: 71111-09-193586

New ball field adjacent to existing ball fields

Paul Raleigh, 924 Ridge Road, T. Ontario  
Area Variance, Tax Map Ref. No: 61117-12-985545

7/08-94

Addition to porch with less than the 60' front setback required

#### OTHER BUSINESS

Tom Kimpland of Wallington addressed the board regarding the need for another hospital in Wayne County. He stated the three hospitals in Rochester need more space and are crowded and backlogged. He wants Wayne County to speak up for its citizens and the lack of a hospital or urgent care facility in northern Wayne County. There was a proposal to utilize the Meyers Hospital as an assisted living facility, but there was no support from local officials. Mr. Kimpland asked that the board send a letter to the Board of Supervisors asking for solutions and plans for accessible health care for the residents and future generations of Wayne County. Opposed: Mrs. Deyo.

There being no further business, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Susan Pullen  
Secretary