

## WAYNE COUNTY PLANNING BOARD

### MINUTES

May 28, 2014

Chairman, Dave LeRoy called the May meeting of the Wayne County Planning Board to order at 7:00 p.m. in the Public Safety Building in Lyons, New York.

Present: Dave Broach, Steve Buisch, Ken Burgess, Robert Burns, Steve Guthrie, Matt Krolak, Dave LeRoy, Mike Melino, Larry Ruth, Mike Schuth, Ron Thorn, Ken VandeWalle

Staff: Bret DeRoo

Guests: John Stensrud, Tim O'Brien (Rite Aid), Tim Casselman, Connor Casselman, Cam Casselman

### APRIL 2014 MINUTES

**Action** – Approve

**Motion** – Mr. Burgess

**Second** – Mr. Schuth

**Abstention** –

**Motion carried**

### ZONING AND SUBDIVISION REFERRALS

#### **John R. Stensrud, 1691 Maple Avenue, T. Palmyra**

Use Variance, Tax Map Ref. No. 64111-07-596916

Convert existing barn to second 2 bedroom dwelling on single lot

**Action** – Approve with Comments

**Motion** – Mr. Ruth

**Second** – Mr. Guthrie

**Opposed** –

**Abstention** – Mr. Krolak

**Motion carried**

#### **Comments:**

- 1) the hardship criteria that are required to grant the use variance must be substantiated at the local level,
- 2) consideration should be given to ensuring that the proposed residential use is compatible with surrounding land uses (the barn that is proposed for conversion to residential use is very near the northern property line),
- 3) screening (e.g. fence, berm, landscaping, etc.) should be used to help future development remain compatible with surrounding land uses and
- 4) future plans (if any) for the total acreage should be considered.

#### **Rite Aid, 101 South Main, 105 & 109 West Miller, V. Newark**

Area Variance / Final Site Plan, Tax Map Ref. No. 68111-18-328035, 68111-18-328023, 68111-18-321023

Renovate, add drive thru, construct addition as well as demolish 2 structures, smaller parking space, additional sign and larger freestanding sign

**Action** – Approve with Comments

**Motion** – Mr. Ruth

**Second** – Mr. Melino

**Opposed** –

**Abstention –**  
**Motion carried**

**Comments:**

- 1) final plans (the planning board reviewed plans noted with a revision date of “05/08/14”) should be modified, if needed, to ultimately reflect reviewing and approving agency/department comments (e.g. Newark DPW, Fire, Police, NYS Department of Transportation), particularly in relation to the traffic generating characteristics the proposal will have. The Board did support the idea of truck deliveries being made during non-peak traffic volume hours,
- 2) any/all necessary NYS Department of Transportation permits must be obtained,
- 3) stormwater management and erosion and sediment control plans must meet Phase II NYSDEC regulations and
- 4) the building/site should be developed and maintained in an aesthetically pleasing manner (from all directions) through use of items such as building design/materials, fencing, landscaping etc.), particularly given that the site is visible from highly traveled streets (Main, Union and Miller Street) and the NYS Canal Corridor. Rite Aid will likely have building/site design options available that meet the character the Village desires. The Board recommended that “Preparing Village Main Streets for Planning-Newark, NY” (prepared by the Genesee Finger Lakes Regional Planning Council, June 2007) should be used as a reference document for design alternatives,
- 5) proposed signage should be in character with signs that have been approved for other commercial uses in the Village (e.g. McDonald’s, Walgreens, etc.) and
- 6) the hardship criteria that are required to grant the area variances must be substantiated at the local level.

**Dunkin Donuts, 1873 Route 104, T. Ontario**

Special Permit / Preliminary/Final Site Plan, Tax Map Ref. No. 63117-09-171715

New restaurant with additional retail space

**Action –** Approve with Comments

**Motion –** Mr. Ruth

**Second –** Mr. Buisch

**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) any/all necessary NYS Department of Transportation permit/s must be obtained (e.g. NYS Department of Transportation Highway Work Permit for the proposed NYS Rt. 104 driveway),
- 3) a parallel access road should be considered to link this and other nearby parcels in an effort to maintain efficient traffic flow on NYS Rt. 104 (i.e. reduce the need for new road cuts/driveways on Rt. 104 and use existing controlled intersections),
- 4) 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) and
- 5) future plans for all three commercial spaces (Dunkin Donuts plus two other one-story commercial buildings) that are proposed within the building as well as remaining parcel acreage should be considered to help determine combined impacts.

**Lake Ontario Fruit Co (Lake Breeze), LLC, 6226 Lake Road, T. Sodus**

Area Variance, Tax Map Ref. No. 68119-00-565077

140’x202’, 28,280 sq. ft. addition 71’ from road where 100’ is required

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

**Action** – Return this referral to the town to be handled as a local matter.

**Motion** – Mr. Guthrie

**Second** – Mr. Buish

**Opposed** –

**Abstention** – Mr. LeRoy

**Motion carried**

**Todd R. Rath, 8379 East Port Bay Road, T. Wolcott**

Special Permit, Tax Map Ref. No. 75120-14-452276

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Rebuild foundation and expand cottage to 28' wide, 40' long

**Action** – Disapprove

**Motion** – Mr. Guthrie

**Second** – Mr. Ruth

**Opposed** –

**Abstention** – Mr. Burgess

**Motion carried**

**Comments:**

The Board felt the application should have additional information to:

- 1) help them consider the items that they are charged to review by General Municipal Law, Section 239-1.2 and
- 2) meet the special permit application requirements that are listed in the “Town of Wolcott Land Use Code - Adopted July 18, 2000” and therefore be considered a full statement of information.

The following comments were noted by the Board as having been made on past, similar, applications:

- 1) the proposed structure should be sited so that it will not interfere with adjacent property owner/s views of Port Bay,
- 2) the septic system must meet NYS Department of Health regulations (i.e. the proposed cottage expansion should not be within required septic system setbacks and also meet the treatment requirements for amount of bedrooms proposed, the system should be pumped and dye tested, etc.),
- 3) the proposed structure must meet NYS Uniform Fire Prevention and Building Codes, including setbacks from property lines,
- 4) the Wayne County Department of Public Works (Highway Dept.) should be contacted to ensure that the proposed construction does not interfere with the East Port Bay Road right-of-way, P-(315) 946-5600 and
- 5) the property owner/s should be aware that portions of the parcel may be near, or contain, both National wetland and FEMA flood zone and any planning/development should be done in accordance with applicable regulations.

**Edward H. Allen, 7920 N. Maple Road, T. Wolcott**

Special Permit, Tax Map Ref. No. 75119-11-553704

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14' deck on east side (cottage to be demolished and rebuilt on same footprint)

**Action** – Disapprove

**Motion** – Mr. Melino

**Second** – Mr. Guthrie

**Opposed** –

**Abstention** – Mr. Burgess

**Motion carried**

**Comments:**

The Board felt the application should have additional information to:

- 1) help them consider the items that they are charged to review by General Municipal Law, Section 239-1.2 and
- 2) meet the special permit application requirements that are listed in the “Town of Wolcott Land Use Code - Adopted July 18, 2000” and therefore be considered a full statement of information.

The following comments were noted by the Board as having been made on past, similar, applications:

- 1) the proposed structure should be sited so that it will not interfere with adjacent property owner/s views of Port Bay,
- 2) the septic system must meet NYS Department of Health regulations (i.e. the proposed cottage expansion should not be within required septic system setbacks and also meet the treatment requirements for amount of bedrooms proposed, the system should be pumped and dye tested, etc.),
- 3) the proposed structure must meet NYS Uniform Fire Prevention and Building Codes, including setbacks from property lines and
- 4) the property owner/s should be aware that portions of the parcel may be near, or contain, both National wetland area and FEMA flood zone and any planning/development should be done in accordance with applicable regulations.

**Leslie J. Addy, 12423 Ridge Road, T. Wolcott**

Special Permit, Tax Map Ref. No. 76117-00-307479

Move 1988 mobile home to Wolcott

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**Action** – Disapprove

**Motion** – Mr. Ruth

**Second** – Mr. Buisch

**Opposed** –

**Abstention** – Mr. Burgess

**Motion carried**

**Comments:**

The Board felt the application should have additional information to:

- 1) help them consider the items that they are charged to review by General Municipal Law, Section 239-1.2 and
- 2) meet the special permit application requirements that are listed in the “Town of Wolcott Land Use Code - Adopted July 18, 2000” and therefore be considered a full statement of information.

The following comments were noted by the Board as having been made on past, similar, applications:

- 1) the proposed mobile home 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 Seaway Trail,
- 2) the septic system must meet NYS Department of Health regulations (i.e. the proposed mobile home should not be within required septic system setbacks, the system should be pumped and dye tested, etc.),
- 3) the proposed structure must meet NYS Uniform Fire Prevention and Building Codes, including setbacks from property lines and
- 4) the property owner/s should be aware that portions of the parcel may contain (or be near) both National wetland and NYS Department of Environmental Conservation designated wetland and any planning/development should be done in accordance with applicable regulations.

**The following referrals were reviewed and determined to be of no intermunicipal or countywide impact:**

**Action** – Return these referrals to the towns to be handled as local matters.

**Motion** – Mr. Ruth

**Second** – Mr. Melino

**Opposed** –

**Abstention** –

**Motion carried**

**NMM, LLC/Ted Filer, 1503 Canandaigua Road, T. Macedon**

Area Variance, Tax Map Ref. No. 62111-10-303700

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Replace existing pylon sign, increasing size

**Comments:**

- 1) the hardship criteria that are required to grant the area variance must be substantiated at the local level,
- 2) the proposed signage should not impede available sight distance/s and
- 3) the town may wish to review sign regulations to determine if they are still meeting the intended purpose, particularly if there are repeated requests for similar variances.

**Doris Jackson Dicker, 1377 Ridge Road, T. Ontario**

Area Variance, Tax Map Ref. No. 62117-11-548621

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Increase existing porch to 9'x7'

**Comments:**

- 1) the hardship criteria that are required to grant the area variance must be substantiated at the local level and
- 2) the proposed construction should not interfere with the Ridge Road right-of-way. The Wayne County Department of Public Works (Highway Dept.) should be contacted if there are any questions regarding this issue.

**Vincent Merante, Victor Road / 1315 Canandaigua Road, T. Macedon**

Preliminary / Final Subdivision Plan, Tax Map Ref. No. 62111-00-385335

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Subdivide 2.54 acres

**Comments:**

- 1) the property owner/s should be aware that portions of the parcel may contain both National wetland area and FEMA flood zone and any planning/development should be done in accordance with applicable regulations,
- 2) 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,
- 3) 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
- 4) future plans (if any) for the total acreage should be considered.

**Other Business:**

The Board requested that a letter be sent to the Town and Village clerks asking for confirmation that we have the current/adopted zoning code/ordinance for each municipality.

A motion was made by Mr. Ruth to adjourn the meeting. Seconded by Mr. Burgess.

There being no further business, the meeting was adjourned at 8:36 PM.

Respectfully submitted,  
Tracy Lambie, Secretary